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?

INDUSTRIAL ARBITRATION AND CONCILIATION

LOWELL



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INDUSTRIAL ARBITRATION AND CONCILIATION

SOME CHAPTERS FROM THE INDUSTRIAL HISTORY
OF THE PAST THIRTY YEARS

COMPILED BY

JOSEPHINE SHAW LOWELL

G. P. PUTNAM'S SONS

NEW YORK

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PREFACE.

MY object in compiling this book is to present an account of some of the methods by which industrial peace has been sought and attained in many large industries both in Europe and in this country, and to hold up to the gratitude and respect of their fellow-employers and fellow-workmen the achievements of the men who have by these methods already brought a blessing to thousands and broken a path which all may now follow.

Actuated by the highest sense of justice and love of right, they have been so happy as to be able to put their principles into practice and to watch the successful results of their efforts, and they have from time to time published some account of what they have done. It is from their own writings that I have collected the materials I have used.

I offer them my own most earnest gratitude.

JOSEPHINE SHAW LOWELL.

March 5, 1893.

INDUSTRIAL ARBITRATION AND CONCILIATION.

CHAPTER I.

TRADES-UNIONS AS AFFECTED BY LAW.

1800-1890.

EVERY citizen of the United States in every matter which concerns his political welfare and the political welfare of the country, recognizes himself and is recognized as being "free and independent." Freedom of assembly, freedom of debate, the habit of acting with his fellows to attain his political ends, are a second nature to every American, whether native or naturalized. Political independence and political joint action are claimed to be peculiarly American. Further than this, combination, organization, co-operation, are the watchwords of modern progress in all directions. Whatever a body of men, having a common interest, desire to attain, they combine to secure.

Such being the facts it would seem very much like opposing the inevitable to rail at Trades-Unions or to attempt to prevent the formation of labor organizations,

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for these are simply one manifestation of a universal law. Is it not pre-eminently unreasonable to suppose that men, who have been appealed to year after year to form a judgment upon all public questions, and to take part in the government of their country, that is, who have lived under a democratic form of government, should submit to an autocratic industrial control, which is a matter of far more vital importance to them, so far as daily happiness goes?

Combinations of wage-earners, in some form, are to be expected, and must be accepted. As a rule these combinations are beneficent; they are both a sign and a cause of moral and intellectual progress; they cannot be prevented, but unwise attempts to prevent them may, for a time, divert and almost destroy their power for good. It is in the nature of things that men should unite to attain their common ends, and the kind of union they form, the ends which they seek, and the means adopted to attain those ends, are matters of vital importance both to themselves and to the public.

There can be little doubt that these points are all far more dependent than is generally recognized, not upon the men who form the Unions, but upon the reaction upon them of the laws under which they live, and of the attitude of their employers and of the public towards them.

The history of Trades-Unionism in England, before 1875, and since that time, will serve to show the truth of this statement.¹

¹ The quotations in this chapter are from *The Conflicts of Capital and Labour*, by George Howell, M.P., and are reprinted by permission of Messrs. Macmillan & Co.

In the year 1800 a law was passed forbidding all associations of workmen established for any and all purposes. The result, however, was not what had been expected. Speaking of this law Mr. Howell says: "Secret societies are the natural result of repression; they arise out of a sense of injustice and oppression, strengthened by the conviction that they dare not publicly discuss their grievances, real or imaginary, and that the government under which this state of things exists is opposed to the interests of those who compose such societies. Secret combinations are incompatible with free government, and cannot possibly find any large class of adherents; but tyranny and oppression will always produce men who will not be deterred, by any consideration of danger, from combining to resist what they deem an injustice."

"The enactment of the combination laws, therefore, did not prevent combination, but tended to develop it. In 1818, a common workman was prosecuted for combining, and bail to the amount of £200 and two sureties of £100 each were required for his appearance at the next sessions to answer the charge; but these prosecutions did not deter others from combining. The effects of these laws were such that the people in their despair were led to commit the grossest deeds of violence and the most infamous crimes, in what they considered to be self-defence. The whole character of the work-people had so deteriorated that they regarded with little aversion acts which were not only vicious, but actually criminal."

Prosecutions under the Combination Laws were frequent.

"The history of these prosecutions and contentions, and the consequent privations endured by the workmen

for the purpose of securing their independence, is a real record of heroism ; in spite of oppression the most crushing, of legal enactments the most stringent, of punishments the most cruel, for any infraction of these Acts, the men continued to combine ; they contested every inch of the ground, until, after a struggle of centuries, they were now on the threshold of victory, partial it is true, but still most important, viewed by the light of later facts.

“These fierce contests had not passed altogether unnoticed, nor had the prosecutions of the workmen by their masters been wholly unheeded ; a few men in Parliament, with Joseph Hume at their head, had observed their struggles for industrial freedom, and in the year 1824 they moved for and obtained the appointment of a select committee of the House of Commons to consider the laws relating to workmen and artisans. . . .

“The committee sat, took evidence, and speedily returned the following report with reference to these oppressive laws :

(1) That it appears by the evidence before the committee, that combinations of workmen have taken place in England, Scotland, and Ireland, often to a great extent, to raise and keep up their wages, to regulate their hours of working, and to impose restrictions on their masters respecting apprentices or others whom they might think proper to employ ; and that at the time the evidence was taken, combinations were in existence, attended with strikes and suspension of work ; and the laws have not hitherto been effectual to prevent such combinations.

(2) That serious breaches of the peace and acts of violence with strikes of the workmen, often for very long periods, have taken place in consequence of and arising out of the combinations of workmen, and have been attended with loss to both masters and workmen, and with considerable inconvenience and injury to the community.

(3) That the masters have often combined to lower the rates of their workmen's wages, as well to resist a demand for an increase and to regulate

their hours of working, and sometimes to discharge their workmen who would not consent to the conditions offered to them, which have been followed by suspension of work, riotous proceedings, and acts of violence.

(4) That prosecutions have frequently been carried on under the statute and common law against the workmen, and many of them have suffered different periods of imprisonment for combining and conspiring to raise their wages, or to resist their reduction, and to regulate their hours of working.

(5) That several instances have been stated to the committee of prosecutions against masters for combining to lower wages, and to regulate the hours of working; but no instance has been adduced of any master having been punished for that offence.

(6) That the laws have not only not been efficient to prevent combinations either of masters or workmen, but, on the contrary, have, in the opinion of many of both parties, had a tendency to produce mutual irritation and distrust, and to give a violent character to the combinations, and to render them highly dangerous to the peace of the community.

(7) That it is the opinion of this committee that masters and workmen should be freed from such restrictions as regards the rate of wages and hours of working, and left at perfect liberty to make such agreements as they may mutually think proper.

(8) That therefore the statute laws that interfere in this particular should be repealed; and also the common law under which a peaceable meeting of masters or workmen may be prosecuted as a conspiracy, should be altered.

(9) That the committee regret to find from the evidence that societies, legally enrolled as benefit societies, have been frequently made the cloak under which funds have been raised for the support of combinations and strikes attended with acts of violence or intimidation; and without recommending any specific course, they wish to call the attention of the House to the frequent perversion of these institutions from their avowed and legitimate objects.

(10) That the practice of settling disputes by arbitration between masters and workmen has been attended with good effects; and it is desirable that the laws which direct and regulate arbitration should be consolidated, amended, and made applicable to all trades.

(11) That it is absolutely necessary, when repealing the combination laws, to enact such a law as may efficiently, and by summary process, punish either workmen or masters who by threat, intimidation, or acts of violence, should interfere with the perfect freedom which ought to be allowed to each party of employing his labour or capital in the manner he may deem most advantageous."

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All the statutes against combinations of workmen were repealed in consequence of this report, and more moderate laws passed, but under the common law prosecutions were still frequent, and constant conflicts between workmen and their employers, long and severe strikes, and great bitterness of feeling continued, and there were select committees of the House of Commons appointed from time to time to inquire into the various phases of the matter.

Of troubles occurring in 1848 Mr. Howell says: "These and other prosecutions and convictions produced a good deal of irritation and agitation, and ultimately resulted in making the Unions much more numerous and powerful than they had ever been before." Of strikes in 1852–53–54–55 he says: "These oft-recurring disputes, with their attendant prosecutions and consequent agitation, tended materially to the development of the Unions, and to their growth, both in number and wealth, and then serious questions began to arise as to the safety of their funds."

In 1867 a Royal Commission was appointed to inquire into alleged outrages in Sheffield, Nottingham, and Manchester, "and also into the organization, rules, operations, and conduct of trade societies, and the laws under which they were governed. The investigation was searching and complete; the result is embodied in sixteen volumes of reports; the ordeal was a severe one, but the Unions, as a whole, came out of it without a stain.

"Instead of a law to suppress the Unions, as many had hoped, the inquiry into their organization and rules eventuated first of all in a Temporary Act, protecting their funds, in 1869, and then in the Trades-Union Act, 1871, which sanctioned their objects, and legalized their action."

After this time “the agitation for the total repeal of all the penal laws affecting labour became more and more intensified and persistent ; the action for securing this end was constitutional and methodical ; the public mind was educated by meetings, lectures, publications, annual congresses, deputations to ministers, and interviews with members of Parliament, and by debates, bills, and petitions, until at last a Conservative Government, in 1875, after a slight show of resistance, with the excuse and help afforded by the report of another Royal Commission, granted the workmen’s demands.

“The history of the struggle to secure this great victory is not so well known as it might and should be ; it conveys an object lesson replete with interest to workmen, employers, the legislature, and the general public ; above all, it ought to teach the law-makers that repressive laws are ineffectual, as well as dangerous and oppressive ; that their effect is demoralizing on the mind ; and that men’s ideas of right and wrong become confounded, until a sense of injustice brings about the worst evils of violence, even to ferocity. ‘Men who know that they are criminals, by the mere reason of the object which they have in view, care little for the additional criminality involved in the means they adopt.’ The value of the lesson to workmen is not a whit less important than to others ; if they study the labour question aright, they will perceive and understand the wisdom of moderation in all their demands ; that the duty which they owe to the State, of which they are component members, is to pursue their objects peaceably, and in a constitutional manner ; and furthermore, that sooner or later, if the claims put forward are reasonable and just, they will be granted by the legislature.

With their present political power, if it be wisely used and directed, no demand, if based on justice, can long be refused ; but those who denounce the injustice of others, must be careful not to incur a like condemnation, by reason of their own departure from the principles of equity. Moreover, in this case, as indeed it might be said to be in all cases, it is politic to be just. Retribution, in some form or another, is sure to follow any departure from the principles of truth and justice ; sometimes it is swift and sudden, at other times slow and deferred, but it is certain, sure, and inevitable.

“ . . . The first essential principle of the existence of a Trades-Union is that it shall be purely voluntary—upon no other basis could it legally or possibly exist. A man must have perfect liberty either to join or refrain from joining such society, according to his taste or inclination, and no justification can be offered for any attempt to violate this first condition of membership. Instances frequently occur in which a certain amount of social pressure is used in order to bring men into the Union, but they are rather exceptional ; and usually they are not effective, for workmen like others resent any kind of personal dictation, and if they do yield to its influence it is only for a time, until an opportunity for repudiation occurs. Coercion is not only a violation of law, but it is also contrary to morals ; the law is jealous of any interference with the personal liberty of the subject, and rightly so, for absolute freedom is the right of every citizen in a free State. It is equally wrong for an employer to attempt to interfere with the freedom of the workmen, with the intention of preventing them from joining a Union if they think fit to do so. Neither the employer nor the work-

man has the right to fetter the free action of any other person in this matter, or to force him to do, or abstain from doing, that which he thinks best for himself.

“ . . . The legislation of 1875 has produced the happiest results in the interests of law and order; for a good deal of the irritation of the past was caused by the repressive laws by which workmen were tried and punished. They have been in operation for fifteen years; notwithstanding their leniency as compared with former laws, the prosecutions have been but few, and the need for such prosecutions is daily diminishing, and will diminish year by year. The history of the operation of repressive enactments supplies a lesson which masters and workmen may study with advantage, and which it is the duty of both to learn.

“ . . . It is the duty of the law to protect all alike, and to punish those who attempt to interfere with the personal liberty of another, whether by threats, coercion, intimidation, personal violence, or other overt action, and no mercy should be shown to those who are guilty of such offences. The law should be equal for all, and universal in its application and enforcement, without regard to person, position, or class. In all its main provisions such is the ‘Conspiracy and Protection of Property Act, 1875,’ for which reason it should be upheld and obeyed by all classes of workmen, both in and out of the Union. . . .”

We have here a short sketch of the effect of law upon the development and character of Trades-Unions in England, where they have reached their greatest usefulness after passing through seasons of bitter and violent feeling and action, and it may be said, without fear of contradiction, that all classes in England now recognize their value.

One of the legislative committees appointed within a few years to consider questions relating to labor, "The Sweating System Committee" of the House of Lords (1890), made the following suggestion: "With respect to the low wages and excessive hours of labour, we think that good may be effected by the extension of co-operative Societies, and by well considered combination amongst the workers."

Mr. Henry Crompton, of London (in his work on *Industrial Conciliation*, 1876), gives a history of one of the best results of Trades-Unionism, the attainment of peace between employers and employees, and I shall with his permission give my readers the benefit of full extracts from his most interesting book.

CHAPTER II.

THE INDUSTRIAL SITUATION.

1876.

FROM "INDUSTRIAL CONCILIATION" BY HENRY CROMPTON, OF LONDON.

. . . WE live in an age of vast and momentous change, characterized as a period of transition, as a passage from an old to a new order. The industrial movement is not separate or distinct from the other parts of human progress. Industry is but one aspect of social life, and cannot be separated from other aspects, intellectual, moral, or political. When the public mind grasps a new political idea or seizes upon some lofty moral aspiration, it is not limited by the circumstances to which perhaps it may owe its origin, but penetrates to all the actions and desires of man. When the Radical manufacturers preached political change to the working classes, and set up before them political independence as a goal to strive for, they ought not to have been surprised to find that the ideas they had taught with reference to the outer civic actions were at once applied to the inner industrial life. The feudal system was an industrial as well as a political subjection. If the right aspiration for every citizen is to be independent and free, that is, not subject to arbitrary power but dependent only upon just laws, the same aspiration must inevitably appear right to him in his capacity of workman. The

political cry for Reform was equally a cry for a new industrial rule.

. . . We may well look back to the beginning of this long struggle by labour to achieve freedom, and compare the condition of the working classes in the past to that of workmen in the best modern employment, where each man's freedom is assured, and the fullest respect paid to the worth and dignity of labour. Such a contrast is no less than that between the slave and the free citizen. The independence of the working classes does not constitute the industrial progress, but it is a prime factor in that progress. The obstinate refusal to acknowledge and accept this fact can only bring about in the future a renewal of the deadly struggle which has taken place in the past, and is therefore to be condemned, as conduct contrary to the interests of mankind. A superficial view of the industrial battle-field might lead any one to believe that war on a larger scale than ever was now imminent between capital and labour. On each side are massed larger forces, arrayed for war, and ever increasing in numbers, in material resources, in skilful leadership, and in organization; on each side all minor causes of dissension and disunion are put aside, such as individual interests and personal animosities, that a united front may be presented to the common foe. But this would be a false and delusive picture—the dark side only. The bright side is very different, full of hope and full of promise. This it is I wish to paint.

Increased organization, whether of masters or men, or of both, means decreased war. Though more noticed, strikes occur less frequently. When there is a strike or a lock-out, though the area is greater, the contest is less bitter and intense. Moral and intellectual pressure has a

greater coercive effect upon both sides. More attention is paid by each side to the views of the other. There is far more restraint. Wiser and more prudent counsels tend to prevail. The strike or the lock-out has less of the character of war to the death. Each side presents less of the stiff-necked, dogged resolve to yield nothing, but fight it out to the bitter end. If we take a typical instance of a struggle of twenty-five years ago, the lock-out of the engineers in 1852, we find it beginning with an ultimatum or declaration of war by the Union, wrong in form, even had the object been right, and calculated to irritate and inflame the employers. On the other hand, the employers entered upon the contest with the formidable announcement that they would utterly destroy the great institution, which the men rightly regarded as the means of their safety and strength. Refusing all offers of compromise, the employers would only accept the complete and abject submission of the men. They had to choose between starvation or desertion of their Union. They were forced to promise to break faith with their Union; and in the end they broke their promise and not their faith. It was a fierce and ungenerous triumph by the employers, but a fruitless victory, as far as the destruction of the Union was concerned. For the Society of Amalgamated Engineers, instead of being destroyed, acquired fresh strength and has prospered ever since; proving that the power of combination can withstand the most crushing defeat.

There has in truth been a great intellectual and moral progress among employers and employed. Doubtless, there are parts of England and certain trades in which the relations between the employers and employed are as

bad now as was ever the case. There are trades in which the most brutal savagery is still the rule. This is the blackest part of the dark side ; but the bright, if slowly, is surely gaining upon it. None of the leaders of the workmen have ever desired that there should be any relaxation of the law dealing with real crimes. The agitation for the abolition of the unjust laws which have lately been repealed has not been disadvantageous to the working classes. Questions of personal interference, of criminal and moral responsibility, have been brought vividly before them. They have been thus made to see the necessity and advantage of having to justify their actions in the full light of public opinion. The passing of the recent Labour Laws, recognizing the complete legal independence of the working classes, has come at an opportune time. Industrial independence must follow. A strong current has set in from the old towards the new order. Everything tends in that direction, whether we look to the attitude of the employers to the employed, of the employed to the employers, or whether we look to the moral and intellectual change in public opinion on these industrial questions. The time has in fact arrived for a new departure, or rather for fresh efforts in that direction which has proved to be right. The central fact, the focus of light is, the success of the Boards of Conciliation. The last ten years have been their time of trial, and the results of the system are more satisfactory than its promoters had dared to prophesy. Wishing to show the real progress that is taking place in industry, I am forced by the logic of facts to group what I have to say round this system of conciliation.

The practical success which has attended the establishment of most of the Boards of Arbitration and Conciliation is due to the fact that the employers have really accepted the independence of the men—that is, they have accepted the Trades-Unions, which the men rightly regard as the secret of their strength. To pretend that their independence is assured when each workman contracts individually with his employer and their collective wishes and actions are disregarded, is too transparent a fallacy to need discussion. As if men could be independent when their strength was paralysed, or when they were deprived of habitual association and co-operation in their common purposes. Complete independence involves a recognition by the employers of the Trades-Unions, and this is better done and more permanently assured by a Board of Conciliation. Whatever difficulties there may be in the application of systematic conciliation to some trades, this much is shown—that where it has been successfully applied, it is not only capable of diminishing the shock of the opposing forces, but apparently of actually reconciling capital and labour. . . .

CHAPTER III.

ARBITRATION IN ENGLAND.

1860-1876.

FROM " INDUSTRIAL CONCILIATION " BY HENRY CROMPTON, OF LONDON.

. . . THROUGHOUT the century disputes have been settled between employers and employed by resort to arbitration; and in some trades—as, for example, in the pottery trade—the practice arose of inserting an arbitration clause in labour contracts. About 1850 the principle of arbitration was advocated as the best means of insuring peace between capital and labour. But it was not, as far as I can learn, until 1860 that any permanent system or Board of Arbitration came into actual operation. The two men who have been most instrumental in this work, and whose names will long be remembered in connection with this movement, are Mr. Mundella and Mr. Rupert Kettle. Mr. Kettle, a lawyer and judge, naturally approached the subject from a legal point of view. Mr. Mundella, a manufacturer, and himself sprung from the working classes, went straight to the practical and moral end implied by the word conciliation. If his route to the right result was more direct, Mr. Kettle's was of even greater experimental value, constituting an experience that could not well be dispensed with. It is very satisfactory to find that both

routes of this noble emulation converge, each affording strength to the common conclusions. Mr. Kettle's scheme was based on a simple, yet admirable, application of the principles of the common law. A code of working rules was drawn up by the representatives of employers and employed. These rules were posted up in the workshops, and a copy was given to every workman engaged. The working rules thus brought to the notice of the parties became a contract binding between each employer and every workman he engaged, which could be enforced at law. But it was very soon found, in confirmation of Mr. Mundella's view, that the real difficulties were not relative to past, but to future prices and arrangements. Mr. Kettle says that "differences upon the terms of a future contract, arising from the difficulty of foreseeing the future rate of wages," are most liable to lead to disputes. Mr. Mundella says: "If we had only to discuss quarrels that have arisen about the past state of prices we should have almost nothing to do, because it is rarely that there is any dispute what shall be the rate this week, but the dispute is, what shall be the rate next week." It was soon evident that a legal system of adjudication was limited by the shortness of the notice to which the actual contract was invariably subject. However valuable these contracts or codes of working rules may be, their value is impaired and lessened when, as is the case in the building trades, each side can put an end to the contract at any moment, without notice, or with very short notice. Moreover, such a plan was too cumbrous for the rapid adjustment of small differences. It became, therefore, necessary to introduce a rule for conciliation. A sub-committee, or smaller body of employers and employed, was appointed to meet oftener and deal

with the smaller matters as they arose. This, which was first looked upon as subsidiary, gradually assumed greater prominence, and has now become the really essential and vital part of the system. It is not too much to say that the condition of all systems of arbitration being permanently successful is, that full prominence should be given to this feature of conciliation by a small committee. Mr. Kettle admits that "a union of conciliation and arbitration would not be inconsistent. An Arbitration Court did, in fact, include conciliation, and so much was this true that sixteen out of twenty cases were settled by conciliation." But he still adheres to the opinion that the legal form and aspect of arbitration is the best. The difference between Mr. Kettle's view and Mr. Mundella's is well expressed by the words sometimes used to designate their respective systems, namely, "an Arbitration *Court*," and "a *Board* of Conciliation." Mr. Kettle thinks that an umpire is required to act as judge between the parties, that "an arbitrator would be able to keep before the disputants those great and fundamental rules of commercial economy by which service contracts are ultimately governed," and that "an arbitrator undisturbed by the emotions of the conflict would apply them to the facts before him." This is arbitration by a Court, not by a Board. The umpire presides over the investigation ; two arbitrators are appointed by the employers, and two by the men. These four are a kind of jury. If they cannot agree, the umpire has to make his award. Such a plan is very desirable where there is antagonism and suspicion existing between masters and men. The presence of an umpire must exercise a salutary restraint over both sides, and such arbitrations must necessarily have a great effect in carrying out the

object aimed at—namely, the peaceful settlement of these burning questions. There are trades now where any other mode would be impossible. Probably no other plan is so well adapted to the putting an end to a strike or lock-out.

It must be admitted that Mr. Kettle, in elaborating this system, and himself successfully undertaking the difficult office of umpire, has done a work the importance of which cannot be overestimated. But its uses are temporary and provisional. No institution can be permanent which contemplates a continuous and lasting opposition between labour and capital. The same may be said of the Trades-Unions, which have been well described as “armed peace”; but then they have other functions besides that of resisting and opposing employers, and they are capable of being modified and transformed for the better carrying out of useful and social purposes, as the present antagonism between capital and labour diminishes and dies away. So, too, with Boards of Conciliation, which have already shown that they are capable of being employed to promote industrial progress, apart from the more special object with which they were originally established. . . .

CHAPTER IV.

CONCILIATION IN ENGLAND.

1860-1876.

FROM " INDUSTRIAL CONCILIATION," BY HENRY CROMPTON, OF LONDON.

. . . THE development of arbitration and conciliation in industry is characterized by the increasing prominence of conciliation; whereas arbitration, though a necessary, tends to become a less and less important, feature. Mr. Mundella must be regarded as the inventor of systematic industrial conciliation. The first Board was started in his own trade of hosiery in the year 1860. Prior to that time the history of the relations between employers and employed in the trade is that of war. If the worst aspects of this war, the terrible riots, the murders, arsons, and machine-breakings of the early part of the century, had disappeared, there was still hatred and suspicion by the operatives towards their masters, who, in their turn, entertained feelings of animosity against the men. Mr. Mundella admits that, "In times of depression a manufacturer pressed down the workmen as low as he possibly could, and the less conscience he had of course the more he pressed down the workmen; and when the time for an advance came, or better trade, although the natural demand for labour would sometimes force up wages a little, yet it was always resisted as much

as possible. The men sent deputations from Trades-Unions round to the hosiers' warehouses. At one warehouse they would be told to walk downstairs, the masters would not acknowledge Trades-Unions. At another they would be told : 'Well, we shall wait till we see what our neighbours do.' After going round to the different firms and being received in that way, the chances are that the men would go home and strike, and it would depend on circumstances how long they could keep out. They would, perhaps, ask for more than was the natural rate, more than the trade could fairly give. It was simply starving out the manufacturer or the workmen till a compromise was effected."

In 1860 there were three strikes in one branch of the trade, one of which lasted eleven weeks. The manufacturers met together to consider what they should do in their defence. A general lock-out was proposed, but this meant the turning a large population into the streets. They shrank from such a step. Wisely and nobly they resolved to try a better alternative ; after some consideration a handbill was issued, inviting a conference between masters and men to see if a peaceable issue might not be found to the dispute, which was one of wages. "Three of us," says Mr. Mundella, "met a dozen leaders of the Trades-Unions. We consulted with these men, and told them that the present plan was a bad one, that they took every advantage of us when we had a demand, and we took every advantage of them when trade was bad, and it was a system mutually predatory. Well, the men were very suspicious at first ; indeed, it is impossible to describe to you how suspiciously we looked at each other. Some of the manufacturers also deprecated our proceedings,

and said that we were degrading them. However, we had some ideas of our own, and we went on with them, and we sketched out what we called a 'Board of Arbitration and Conciliation.'" They agreed to refer all questions in dispute to the Board; that the Board should be composed of an equal number of manufacturers and workmen, both to be chosen annually by their respective bodies. "When we came to make our rules it was agreed that the chairman should be elected by the meeting, and should have a vote, and a casting vote when necessary. I was chosen the chairman in the first instance, and I have been the chairman ever since. I have a casting vote, and twice that casting vote has got us into trouble, and for the last four years it has been resolved that we would not vote at all. Even when a working-man was convinced, or a master convinced, he did not like acting against his own order, and in some instances we had secessions in consequence of that; so we said, 'Do not let us vote again; let us try if we can agree.' And we did agree." Although the rules of the Board still give the chairman a casting vote, it is never used. The chairman is always an employer, and it is thought undesirable that where there is an equal vote the decision should be given by an employer. The Board has consequently come to the determination that in such an event there shall be a reference to some arbitrator to be appointed for the occasion. There would be no objection on the part of the Board to a permanent referee, so long as he was acquainted with the trade; but there is a very strong feeling against a stranger referee, as the questions must depend to a great extent on the judgment formed of foreign goods, and the probable effect of foreign competition on the trade. The

proceedings of the Board are very informal, not like a court, but the masters and men sit round a table, the men interspersed with the masters. Each side has its secretary. The proceedings are without ceremony, and the matter is settled by what the men call "a long jaw," discussion and explanation of views, in which the men convince the masters as often as the masters the men. Of course this does not mean that every member of the Board is always convinced, though it seems that even this is very often the case, but when they are not they are content to compromise. They know the fatal consequences of disagreement. They agree by coming to the best arrangement possible under the circumstances. It is, in fact, conciliation, and is far better than the decision of a court or of an umpire. The "long jaw," ending in agreement, may take a longer time, but is the true practical way out of the difficulty.

In the hosiery trade all employment is by piece-work. . . . Wherever the nature of the work admits of employment by piece-work, the system requires to be properly regulated or it will work injustice. It is not true that the Unions desire to fix a maximum wage or price, and allow no one to earn more. This is not true; but they do aim at fixing a minimum, below which the wages, whether measured by time or by the piece, shall not fall. The Unions are guilds of skilled men, and they look with natural jealousy on a properly qualified artist taking less than his services are worth. So they often fix a minimum or limit, though this is hardly so fixed and unchangeable a limit as the guinea fee of the barrister or physician. The condition of a fair system of remuneration by piece-work is some plan for giving temporary fixity to the price

of the piece, or else some system by which, when any alteration is necessary, the change can be adjusted according to some known and fixed principle. This is what Mr. Mundella's Board accomplishes, by fixing the price of all piece-work for a certain time in advance. There are statements of prices of no less than 6,000 articles. This fixes the wages just as much as if it fixed wages for time service. It amounts to a code of rules regulating the particulars of the whole trade, sometimes lasting without change for as long a period as two or three years. The convenience of all parties is consulted. The Board meets once every three months, but may be called together oftener should occasion arise. Due notice of any proposed alteration must be given beforehand.

Both Mr. Mundella and Mr. Kettle agree that these Boards ought to be voluntary, and not compulsory. They believe that compulsion is fatal to conciliation. Some of the Trades-Unionists have certainly been in favour of compulsory arbitration. But I believe I am right in stating that the present compulsory legal powers have never been used by either side to compel the other to arbitrate on any dispute. Mr. Mundella and Mr. Kettle rely on the moral coercion which the employers and the men can exercise over the individual members of their respective bodies. The influence of the employers and fair reasoning are sufficient to make any employer who might be disposed to disregard the decision of the Board see the advantage in the long run of loyally accepting an unfavourable decision of the Board. With the workmen there would be a great difficulty if there were no Trades-Unions. There is no way of binding the men to accept the decision of the Board, unless there are

Unions or some other organization among them that would have the same power over them. Happily the Trades-Unions have been able to discharge this function, and not for the unionists only but for the non-unionists as well. The latter are very glad to avail themselves of the advantages accruing from the established organization of the Unions; and the Board is in fact a bond of union and peace between unionist and non-unionist. Some Boards have rules to prevent any difference arising from the fact of a man's belonging or not belonging to a Trade-Union. One of Mr. Kettle's rules says: "Neither masters nor men shall interfere with any man on account of his being a society man or non-society man." The Board in fact accepts the Trade-Union and the principle of combination among employers and employed, and uses it as the instrument for establishing peace and good will, liberty and justice. Both Mr. Kettle and Mr. Mundella testify to the value of the Trades-Unions, and to the way in which the workmen have performed their part. Mr. Kettle says: "My experience of arbitration is, that when the masters and the men meet as men of business, and discuss their business matters together with perfect freedom, it is the greatest possible relief both to the men and to the masters, that they appreciate the opportunity of coming and discussing the matter candidly and fairly with one another, and I have never found the men unreasonable, nor have I found the masters unreasonable. Sometimes I have heard untenable propositions enunciated on either side, but the general result is that they meet in a proper spirit and come to a satisfactory arrangement."

Mr. Mundella says: "The very men that the manufacturers dreaded were the men that were sent to represent

the workmen at the Board. We found them the most straightforward men we could desire to have to deal with ; we have often found that the power behind them has been too strong for them ; they are generally the most intelligent men ; and often they are put under great pressure by workmen outside to do things which they know to be contrary to common sense, and they will not do them. They have been the greatest barriers we have had between the ignorant workmen and ourselves."

One of the most important parts of the system has yet to be described ; that is, the Committee of Inquiry, which consists of four members of the Board, two employers and two operatives. If a dispute arises it comes in the first instance before the two secretaries of the Board. If they fail to adjust the difference it is brought before the Committee of Inquiry, but they have no power to make an award. They can only settle the difference amicably by the consent of both sides. In one of the rules it is distinctly laid down that neither Board nor Committee will entertain any application from men on strike. The condition of the Board's action is, that the men remain at their work. Every case has to pass through the hands, first of the secretaries, then of the Committee, before it comes to the last stage, the Board. There has been no appeal to the Board for a year. The vice-president, who is a workman, writes to me thus : " We have many disputes, but we soon settle them. I have settled two this week quite satisfactorily to both workmen and employers. I have another for to-morrow. But I have no doubt when I have seen the parties it will be all right, without either the Committee or the Board." The Board has been a success for fifteen years. Masters and men have been

loyal to its decisions. There have been exceptional instances, in which individual masters and small bodies of men have taken huff and rejected the decision of the Board; but this was only for a short time. Generally, when such seceders have listened to the arguments of the members of the Board, they have in time seen their error, have come back, and by so doing have strengthened, rather than weakened, the vitality of the system. The lesson could not be learnt by all at once. . . .

CHAPTER V.

CONCILIATION IN ENGLAND (CONTINUED).

1869-1890.

EXTRACTS FROM AN ARTICLE BY ROBERT SPENCE WATSON, LL.D.¹

. . . FORTY years ago important trades in England had appointed voluntary Boards of Arbitration, and thirty years ago, Mr. Mundella formed, at Nottingham, the first voluntary Board of Conciliation and Arbitration, and it still continues to flourish, and to legislate for the hosiery and glove trades, and its plan has been adopted in the textile and chemical trade, the boot and shoe trade, the lace trade, the building trade, as well as in coal and iron mining and in iron manufacture.

I am best acquainted with what has occurred in some of the most important industries of Northumberland and Durham. In them the way to avoid industrial war has been found, and followed with remarkable success. In the coal trade in both of these counties and in the manufactured iron trade of the North of England, the chosen representatives of employers and employed have met together at stated intervals and under fixed regulations; have discussed and settled innumerable disputes of more or less importance; have, from time to time, established

¹ "The Peaceable Settlement of Labour Disputes." Reprinted from the *Contemporary Review* for May, 1890, by permission of the author.

sliding scales by which the rate of wages has been automatically regulated ; and when, upon great and general questions, agreement has been found impossible, have referred their decision to one or more independent persons mutually agreed upon. And this system has lasted for long years, and has continued to work through good and bad times alike, and, though occasionally under circumstances of a peculiarly trying nature, the decisions which have been come to have been loyally accepted.

And this has been accomplished voluntarily, by the mutual agreement and mutual loyalty of employers and employed ; and without appeal to any law but that of honour.

. . . The great majority of questions which come before a joint Board of employers and employed, or the Standing Committee of such Board, are settled by what is called conciliation—which is simply friendly discussion over the table—but very few matters being sent to arbitration. In a single year 629 disputes in the Durham coal trade were so settled. More than 3,000 have been peacefully disposed of in the Northumberland coal trade in the sixteen years of its existence, and the Standing Committee of the Finished Iron Trade of the North of England has, in twenty years, met 318 times and has amicably arranged more than 850 questions, whilst the Board itself has only met 109 times, and in but 18 instances has arbitration been resorted to. . . .

It may be well that I should, at this point, describe, in rather more detail, exactly what a Joint Board of Conciliation and Arbitration is, and how it works. I shall take that for the manufactured iron trade of the North of England, which is a good example of such a Board. It

has succeeded in developing and maintaining friendly relationship between employer and employed in a trade in which a hostile attitude largely prevailed, a trade which had undergone peculiarly rapid development, and into which there had been a large influx of labourers from Ireland as well as other parts of England, so that masters and men were strangers one to the other. This friendly relationship has stood the test alike of prosperity and of adversity, for, during the twenty years' existence of the Board, prices have touched the highest and lowest points recorded, and wages have been reduced to the smallest sum yet given.

The Board is thoroughly representative in its character. It consists of one employer from each works in union with it, and one delegate who is annually chosen by ballot by the operatives at each works so in union with the Board. Each representative is deemed to be fully authorized to act for the works which has elected him, and the decision of a majority of the Board, or, in case of equality of votes, of its referee, is binding upon the employers and operatives of all works which are represented upon it. As a matter of fact it is binding upon the whole trade, and must be so where the greater number of works in the trade are represented on the Board.

At its first meeting in each year, a president and secretary are elected out of the representatives of the employers, and a vice-president and a second secretary out of the representatives of the employed. The Board also appoints a referee, who presides when his presence is required, two treasurers and two auditors. The employers nominate ten of their number, exclusive of the president, and the operatives five of their number, exclusive of the

vice-president, to form the Standing Committee. Only five of the employers' representatives can vote or take part in any discussion at any meeting of the Committee, the greater number which they are allowed being simply to meet the more frequent absence from home of those upon whom the management of works devolves. The president and vice-president are *ex-officio* members of all committees, but without the power of voting. The Board meets twice a year, but it can be convened at any time by the Standing Committee, which meets monthly, or more frequently if business should require it.

All questions requiring investigation are referred, in the first instance, to the Standing Committee, and must be submitted to writing, and supplemented by such verbal evidence as the Committee may think needful. Before any question is considered an agreement of submission is signed by the employer and the operative delegate of the works affected, and if the Committee fail to agree the referee is called in. He has power to take the evidence of witnesses should he desire to do so. Seven clear days' notice of any question to be brought before the Committee or the Board must be given to the secretaries.

I should mention that the Board has issued and circulated printed instructions which direct that any subscriber to it, who has a grievance, must first explain it to the operative representative of his works, and, if there seem to be good grounds of complaint, they must be laid before the foreman, works manager, or head of the concern. "The complaint should be stated in a way that implies an expectation that it will be fairly and fully considered, and that what is right will be done. In most

cases this will lead to a settlement without the matter having to go further."

The Standing Committee has power to settle all questions, except a general rise or fall of wages, or the selection of an arbitrator to fix such rise or fall. These points are reserved for the Board itself. In case it can arrive at no agreement upon them, a single arbitrator is appointed, and his decision, at or after a special court held for the purpose, is final and binding on the parties. The Board also considers and decides all questions which the Standing Committee may refer to it.

When an arbitrator is appointed, the party making an application for a rise or fall in wages furnishes him with a printed statement of the grounds upon which it bases its claim, and the opposing party hands in a printed answer. It is desirable that these should be so full that each party may know the exact standpoint of the other, and understand what will have to be met at the hearing. There is sometimes a rejoinder from one or both parties, and, when the case is complete, the arbitrator proceeds to hold his court. The members of the Board attend, one being appointed to lead the argument on each side, but the opportunity being also given for full expression by every member who wishes to speak upon the matter. Either side may bring forward any evidence, or the arbitrator may require evidence to be brought before him, and, when his award is arrived at, he prints it, and forwards a copy to each member of the Board. A shorthand note is taken of all the proceedings, and this is afterwards extended and printed. Reporters for the press are allowed to be present at the hearing.

. . . Invariably there is a desire to avoid mere legal technicalities, but this does not prevent strict proof being required of statements of fact upon which the parties differ. In practice, and as a general rule, each side is anxious to furnish the other with all facts and figures which it intends to use, and as a result an agreement is arrived at which prevents the necessity of calling much evidence.

The Board appoints an accountant of high position and great experience, by whom the books of the several firms connected with it are audited at the end of each two months, with the object of correctly ascertaining the net selling price of the iron actually invoiced and sold by these firms during the preceding two months. He issues a formal certificate of the average selling price for that period, and these ascensions are held to be authoritative. He is, of course, pledged to secrecy.

Perhaps the only other matter which needs explanation is the method of providing for the expenses of the Board, and the payment of its members. One penny per head per fortnight is deducted from the wages of each operative earning half-a-crown per day and upwards, and each firm contributes a sum equal to the total sum deducted from its workmen. Each member of the Board or Standing Committee is allowed 10s. for each meeting, and the sum thus obtained is divided equally between the representatives of the employed and those of the employers, and is distributed by each side in proportion to the attendances of each member. Second-class railway fare each way is allowed in addition, and necessary loss to night-shiftmen is made up to them.

This, then, is a description of the way in which a Board has been formed and has worked for twenty years

in the constant practice of industrial peace. But, if this be so, and if we can point to similar Boards in many different industries, practising a similar peaceful method of settling industrial disputes, and with conspicuous success, how comes it that such methods are not more generally adopted? What are the real or imaginary difficulties which stand in the way of the peaceable solution of labour questions? Why are not Joint Boards of Conciliation and Arbitration the rule instead of the exception?

Before I address myself to these questions, let me point out again that the peace principle, so far as arbitration is concerned, was long ago adopted in certain trades. There were one or two instances of Boards which aimed at the joint arrangement of prices and wages, even so early as 1853. Since that time the principle of arbitration has been widely accepted, so widely indeed that there are few trades in which serious disputes have not been settled by references to disinterested persons, and there are probably no important and representative bodies, either of employers or employed, which have not, in one way or another, declared in its favour. In fact, the rules of most Trades-Unions make special provision for it. But arbitration is only one department of industrial peace, and the least important. It is the department of conciliation which is the most useful and valuable, and it is exactly in that department that so little progress has been made.

The reasons, in my opinion, are not far to seek. That which I should place first is the prevalence of caste feeling upon both sides. Whilst fully acknowledging that, so far as its most objectionable features are concerned, this is disappearing, it is yet (perhaps unconsciously) all

but universal, even where the best understanding prevails between employers and employed, even amongst the wise, honest, good, and earnest men upon both sides.

Where this caste feeling has not been removed or modified by experience, employers do not look upon those whom they employ as men with whom they can discuss upon equal terms labour questions affecting both; and the employed look upon the employer as one who is not amenable to reason, who does not expect his decrees to be argued about. There is no mutual trust, no confidence or sympathy. There is suspicion of motives; doubt on one side of the disinterestedness of any third party proposed by the other; entire want of faith that any good could arise from meeting and talking matters over, for neither believes that it is possible to convince the other.

This caste feeling will be killed out, partly by experience on the part of the employers, and partly by growth of education on the part of the employed. We must always remember that the factory system, the parent of so many trade troubles, has been little more than a century in existence, and Trades-Unions, without which Joint Boards can, perhaps, not exist, have only been fully legalized for the past fifteen years. During four-fifths of the existence of the factory system the law itself adopted the idea of the supremacy of the employer. The old domestic system of manufacture died out with the utilisation of the steam-engine. The patriarchal system as applied to labour died out with the growth of the great factories, but the masters practically retained for long years the power to combine and to regulate labour as they thought best, and to keep wages down, whilst the men were com-

paratively powerless. Fifteen years is far too short a period to admit of the uprooting of the jealousy, the distrust, the heart-burnings on the one side, and the dominant feeling upon the other, which ninety years gave strength to. It is not surprising that there are masters who cling to the old relationship of superior and inferior, of master and servant, who have still the feeling that they are the benefactors of the men who give them the agreed amount of labour in exchange for the agreed amount of their coin. For that is, after all, the view generally entertained and sanctioned by no less an authority than Society itself, which regards men who get money in exchange for work as inferior, but men who get money for doing nothing as superior beings, *ipso facto*. And wherever the old feeling, the old feudal feeling, prevails amongst employers—wherever employers do not recognise that the relationship of master and servant has been exchanged for that of the purchaser and the seller of labour—the old doubting, antagonistic, warlike feeling will be found amongst the employed.

So long as employers endeavour to insist that their views alone shall be considered in the regulation of labour, so long, in any case of difficulty, will war prevail. The men will believe that the masters would not advocate a peaceful solution unless they had some strong motive to do so, and unless it must result to their advantage, and both parties will be inclined to think that any peaceful decision which might be come to would only be observed if it were not convenient to either of them to disregard it.

Again, the feeling to which I alluded arouses an unwillingness on the part of employers in any way to recog-

nise Unions amongst the men, and the interference of "outsiders" in their business affairs. This places a serious obstacle in the way of the peaceful settlement of labour disputes by a Joint Board of Conciliation and Arbitration, for such a Board can only exist in any trade if it represents practically the whole of such trade in any special district, and such representation is most readily ensured where the employers and employed of the district each have strong and general associations. Before either party consents to join a Board it must be satisfied that the other is so truly representative that the decision of the Board will be authoritative, and will be practically recognised and obeyed by the trade of the district, for the ultimate sanction of arbitration and conciliation is strikes and locks-out.

Then, again, the idea of furnishing information to others about their own business transactions has been a stumbling-block to some employers who have begun to think seriously about adopting industrial peace. Now, in order that any discussion of trade difficulties may be to profit there must be an equal knowledge on both sides of all necessary facts. It is not enough that the employers should make certain statements. The point of view of the buyer and seller is never the same. However anxious for the truth a man may be, "where self the wavering balance shakes, it's rarely right adjusted." Even when such facts as can be are actually ascertained, and their accuracy guaranteed, the conclusions drawn from them often differ so widely that a third party must be called in to decide which view is the correct one. But not only have many employers the old feeling that they only have the right to be judge, and that questions of prices, wages, and

so forth are for them alone; but each employer is, in relation to other employers, in the position of a competitor, and does not wish to disclose anything to those who may take advantage of it to his detriment. The very knowledge that there must be openness in the place of secrecy, the ignorance of how far this may go, the fear that it may militate against his interests, are barriers in the way of the formation of a Board, the undoubted merits of which seem to him to be paid for at too great a price.

But this, in common with the other objections to Joint Boards, will vanish with full knowledge of their character, and with even a slight experience of their actual working. The books of an employer are neither disclosed to other employers nor to the employed. No evidence is given or asked for which mentions the profits which are being made. The books of each firm, which has given in its adherence to the Board, are periodically examined by a skilled accountant, who is pledged to absolute secrecy. At the close of his investigations he gives the result he has arrived at, the average selling price which has been obtained during the period examined. I have never heard any instance of an employer receiving the smallest injury from such investigation.

I have already pointed out that, speaking generally, the decisions which have been come to by voluntary conciliation or arbitration have been loyally accepted and acted upon by both parties. In the history of Joint Boards, there are, indeed, cases recorded where this has not been so, but they have been the rare exceptions, and have not been upon one side only, and loyal acceptance has been the rule. I must put this point emphatically; for the

experience which I have had in several industries, but especially in that of which I have seen the most, the finished iron trade of the North of England, and that exclusively during an unsettled and trying period, has abundantly shown me that awards, come to after patient hearing and careful consideration, are received with a loyalty and appreciation which are not only satisfactory and surprising, but which also give, to the person called upon to decide, confidence and encouragement in the performance of a delicate, difficult, and often painful duty.

And not only so, but the fact of sitting round the same table and listening to each other's arguments ; the endeavour to see each other's standpoint and to understand each other's reasons ; the learning to give as well as to take ; to bear and forbear ; to hold your own opinion firmly and to express it moderately, whilst keeping your mind open to conviction ; the desire to come to a sound and fair conclusion ; these things are valuable in promoting mutual good-feeling, confidence, and sympathy, which evidence themselves in many ways outside of the sphere in which they have been acquired, and they tend to lessen the caste feeling to which I have alluded, and which is not one of the most wholesome features of our English life. This friendly meeting is the best feature of voluntary conciliation, and is the grand distinction between it and conciliation under the law.

I think, then, that the best way to secure the peaceful solution of labour disputes is to promote the formation of Joint Boards of Conciliation and Arbitration in all branches of industry, and, in order that such Boards may be readily formed with the greatest chance of success, to encourage combinations both of employers and employed.

I believe that there will be an increasing tendency, as such Boards continue to perform their peaceful mission, for the Unions to become allies, instead of competitors, to the great benefit of both classes, and of the community of which they form so important a part. . . .

CHAPTER VI.

CONCILIATION IN BELGIUM.

THE COLLIERY OF BASCOUP.

1876-1893.

MAINLY TRANSLATED FROM THE FRENCH OF MR. JULIEN WEILER.

IN the Province of Hainault, in Belgium, a coal-producing country, there are two mines, Mariemont and Bascoup, belonging to the same Company, the history of which during the past eighteen years is one to cheer the heart of every lover of mankind, for every act of the Management in relation to their workmen during that period seems to have been actuated by the most exalted sense of justice.

The account of the several forms in which this spirit has manifested itself is best given in the words of Mr. Julien Weiler, who, himself the leader and inspirer of all, has been well seconded both by his superiors and subordinates in the Management.

Mr. Weiler has been for many years at the head of the mechanical department of both mines, and from time to time he has written and published statements concerning the relations of the Management to the miners and other workmen employed. The first of these publications is a letter addressed by Mr. Weiler on December

23, 1880, to Mr. Frédéric Passy, published in the *Journal des Économistes*. I shall give only extracts from this letter.

"The question of arbitration, or rather of the relation between employers and workmen, is in this country, as in yours, one which demands immediate solution. It is already ten years since workingmen on strike began to ask for arbitrators between themselves and their employers, but this demand, which was repeated at the last strike at Borinage, was, and still is, met by the most complete contempt.

"In 1875 and 1876 we had, in the collieries of Marlemont, a strike of some duration which surprised us a good deal, both because we had never had one before, and because the object of the strike was not clearly defined. . . . We thought our workmen well satisfied; they had been very well treated for fifty years by the family of Warocqué, principal owners of the mines, and were distinguished from the working people of the neighboring mines by their moral and physical well-being. . . . It was at this time that our Superintendent requested me to study what had been done by the English under the same circumstances, and I received from Mr. Mundella, member of Parliament, certain papers, which impressed me very much. They led me to recognize the great danger arising from the more and more complete separation in the great industries of the employers and their representatives from their workmen, there being seldom any mutual intercourse except through the mediation of agents, who are not only irresponsible, but often even interested in keeping up the abuses complained of. . . . A little later, Mr. Crompton's book (on *Indus-*

(trial Conciliation) was published. I did not translate it at once, but I decided to apply the principle of conciliation. I organized in a part of the service under my charge (the construction workshops, employing about two hundred men), regular meetings between the workmen and the officers of the company, where all incidents occurring in the shops were to be discussed in common. Each trade (there are not less than nine) has its own Committee, composed of six workmen and six officers or foremen, the same officers acting on several committees. Each group sends a delegate to a Central Committee, which deals with questions of general interest.

"The beginning was not encouraging . . . I received during the first year only expressions of distrust from the workmen and of want of faith from the foremen, with but few exceptions. The workmen especially seemed determined not to try the system. They saw in it, as they have since told me, only a trap, a device to bring about a decrease of wages.

"There was, undoubtedly, in the first plan, which was different from that described above, a flaw, which the careful re-reading of Mr. Crompton's book showed me. The meetings were not informal enough; the workmen did not feel at ease. . . . I modified the first plan and I was fortunate enough this time to happen on one which no longer had to contend with the *shyness* of the workmen. The least distrustful decided, consequently, to make a clean breast of it, and I learned of a quantity of grievances, more or less important, which I had known nothing of, because the subordinate officers did not think it worth while to pass on the complaints of the men to their superiors, and which had never been cor-

rected, because the means of their removal were not at their command. Almost all these grievances have since been corrected without any injury to the interests of the collieries, but the reverse.

“The third year was noted for the peaceful progress of the works and the absence of complaints, the year before having settled all the troubles which had been accumulating for a long time. It was therefore possible for us to undertake more serious questions, and we accomplished some very important results, among which were the following:

“1. The abolition of fines, not one having been imposed since February, 1877, although never, as the foremen all agree, have the rules been better carried out. These rules, by the way, have been revised by the Central Committee.

“2. The adoption of piece-work¹ under conditions which seemed to render it impracticable.

“3. The decrease of the cost of production, together with a decided increase of wages, which have risen twenty per cent., while the cost has decreased still more.

“On the 1st of January, 1880, I extended the system to another part of my service—the machinists and firemen, about 250 men. I had expected here also, as the first difficulty, a fixed distrust; but I found, on the contrary, the utmost readiness on the part of the workmen to respond. The fact was that the experiment which they had watched in the shops for three years, had shown them the advantages of the plan.

¹ “ . . . I believe that piece-work, if accompanied by a guaranty to the workmen of the maintenance of wages at a rate agreed upon, and a guaranty to the employer of the excellence of the work, may contain a complete solution of the problem of a fair division of the results of production.”

"We have now reached the close of the fourth year, and on both sides all has gone well. The foremen, as well as the workmen, seem to me to be cordially attached to the system from which they have obtained so many good results, and I think it would be difficult to stop our meetings.

"The direct results which I have enumerated above are not the only ones which the mutual good understanding has brought about. The workmen, who are gradually coming to see the falsehood of the idea so deeply rooted among them, '*That we seek their injury because it is our profit,*' have accepted our suggestions to form Mutual Benefit Societies, Saving Societies, etc. They subscribe to our public lectures, they have helped us to found libraries, and have been eager to attend the courses in 'Industrial Economy,' which I have established especially for them.

"The great desideratum now is that this movement should be extended to include the miners, who number at Mariemont and Bascoup more than 5,000 men.

"But the great obstacle which the ideas of MM. Mundella and Crompton meet with in Belgium is the *want of organization among our workingmen.* Our employers have always opposed and still oppose all attempts to form Trades-Unions."¹

In June, 1888, Mr. Weiler read a short paper to the members of the "Société Belge d'Économie Sociale" entitled "L'Esprit des Institutions Ouvrières de Mariemont," in which, after describing a number of most useful

¹ Mr. Weiler does not here refer to the Management of the collieries of Mariemont and Bascoup, which has, on the contrary, encouraged organization among their men.

institutions maintained in part by the workingmen and in part by the Company, he proceeds :

“ There remain only the institutions concerned with the system of work in our shops. Recognizing how weak the isolated workman is as regards his employer, . . . we have sought to create more equitable conditions by forming our mechanics into professional groups, with which we make contracts for a given time.

“ We have also given to the workmen an interest in the saving of the general cost of production ; in oil, coal, gas, tools, even in material saved ; and we and they have reaped a very decided advantage. But the direct saving of money is not the only benefit which the workmen, and the Company as well, have received—there is another, which we think more important and which we call *the moral profit*.

“ As you will easily see, a system which fosters in the workman the best qualities of manhood, the spirit of order, of honesty in carrying out his contracts, the sentiment of justice, cannot fail to produce a very marked moral effect, and its influence will show itself outside the shops. It is not to be questioned, and indeed I know it to be a fact, that a machinist who has been taking pains to save a few pints of oil, or a few pounds of coal, will not allow waste in his own house, and he thus becomes the educator of his own wife and children. I will not enlarge on this point, as it seems to be self-evident.

“ But notwithstanding all efforts in systematizing work, disagreements may occur between workmen and foremen, and these cannot be adjusted except by the closest relations between the contracting parties. Our ‘Chambres d’Explications’ are intended to meet this want—they have been in operation twelve years to the complete satisfaction

of both parties. Every workman is assured access to the superior officers of the company to explain his grievance, whatever it may be.

"Our 'Chambres d'Explications' are not courts; they are, as the name shows, meetings where explanations are made. They exist only in the Mechanical Division. But another and more important institution has within the past six months been established for the whole colliery; that is the Board of Conciliation and Arbitration, . . . composed half of working-men and half of officers of the company, and to which the Management has voluntarily relinquished a part of its prerogatives, which nothing could have forced it to surrender. Notably it has given the Board the right to decide in case of any question as to wages.

"Our two Boards of Conciliation and Arbitration (we have one for Mariemont and one for Bascoup) have already had to decide important questions."

The reports of the Board of Conciliation for the colliery of Bascoup for the years 1889, 1890, and 1891 are interesting reading, and show the number and character of the questions presented for settlement at the monthly meetings. In 1890, for instance, there were 39 "general questions, bearing upon the interests of more than one group of workmen"; 15 "special questions, relating to one group or to one shop," and 3 "individual questions." In 1891, there were 33 "general questions" considered and decided, 12 "special questions," and 2 "individual questions." These questions, it is to be understood, so far as they related to the shops, had to be first submitted to the "Chambres d'Explications," and to fail of adjustment

there, before they could be presented to the Board of Conciliation and Arbitration for final decision.

At the fifth session of the Board for the year 1891, on the 20th of April, the following entry appears in the minutes :

“The Board listened to the following communication from the workman Vice-President : ‘He foresees that the workingmen may be forced to declare a general strike in support of their demand for a revision of the Constitution. The workmen of Bascoup will be obliged in that case to join the general movement, and he desires to declare in their name that such action would be purely political, since they have no sort of grievance against the Management of the mines. He hopes, if the strike should take place, that it would not affect the Board of Conciliation, and that the relations now subsisting between the Management and the workmen would not suffer.’

“The meeting unanimously instructed the President, in case a strike were declared, to communicate at once with the Vice-President, and that they should together decide whether a special session of the Board should be called.”

The minutes of the session of the 1st of June, 1891, have the following entry : “A letter was read from the President, expressing his regret at being unable, owing to illness, to take part in the meeting. He wished to take the opportunity to express his opinion of the conduct of the men during the political strike, which had taken place without the suspension of work in the mines of Bascoup. He presents his thanks to them, and closes by saying that by their attitude they have done a service to the working class, and have ensured themselves sympathy in any subsequent demands.”

In the issue of December 29, 1892, of the *Journal de Charleroi*, appeared the following account of the funeral services of Joseph Dandois, a miner in the colliery of Bascoup, and Vice-President of the Board of Conciliation and Arbitration for that colliery :

"On Monday took place the civil funeral of our friend, Joseph Dandois, of Gouy-lez-Piéton, who died so unfortunately in an accident in the pit of Trazegnies in the colliery of Bascoup. Formerly member of the International, founder of the Free-Thinkers, member of the Labor Party, Vice-President of the Board of Conciliation and Arbitration, he had a great intellect as well as a great heart which drew all men to him. Never has such a concourse been seen at the funeral of a coal-miner. The trains from Charleroi and the Centre poured out their crowds and the roads were blocked. In the little house where the remains were laid, the stream of visitors began at noon, and was broken off only at 3 o'clock, in order not to delay the services.

"An address was given before the house by Mr. Georges Warocqué as follows :

"In the name of the Management of the Coal Company of Bascoup, I am come to express our sorrow at the loss of the true and honest man whom we are carrying to his last home.

"Five years ago, not without some reasonable doubts, we decided to establish a Board of Conciliation and Arbitration. We were persuaded that, for the most part, trouble between workmen and employers is due to mutual misunderstanding; that such misunderstanding could be cleared up by systematic relations between the two parties; that, coming to know each other better, they

would learn to respect each other, and that thus the suspicion which existed between them would be displaced by mutual trust, the results of which would be happy and far-reaching. We knew, however, that the results of our action depended on the character of the representatives chosen by the workmen. Their choice was most fortunate.

“ At the first election, Joseph Dandois was named delegate by the workmen of Pit No. 5 and the delegates chose him as their representative. Then the Board of Conciliation named him their Vice-President, that is, President of the workingmen’s representatives. He fulfilled the duties of this office from the establishment of the Board until his death, and in a manner to justify fully the confidence that had been placed in him.

“ If he deserved well of those whose delegate he was, the Management of the colliery desires to testify also to the sense of justice, to the exalted judgment, which he showed in dealing with the difficult questions which the Board has had to consider. Of an ardent and sensitive nature, Dandois brought to the defence of the interests confided to him such exceptional intelligence, such energy, such devotion and unselfishness as won for him the respect of all.

“ And if sometimes, carried away by his temperament, he was a little too impetuous in advocating the demands of those he represented, yet he recognized with perfect good faith, the difficulties, the perplexities, the dangers with which the proposed measures might be attended. It has seldom been given to a man in so humble a position in life to receive such sincere and universal tributes of respect and it will be a supreme consolation for his family.

“‘ Adieu, Dandois—You leave the most precious inheritance, the esteem and respect which your name has won ; your young son will not be deserted ; the sympathy and help of all those who have known you are his. . . . ’

“‘ At the cemetery, eight addresses were given. . . . Mr. Julien Weiler spoke as follows :

“‘ It is in the name of the Board of Conciliation and Arbitration of Bascoup, that I have come to add my voice to those which have already deplored the great misfortune which throws the whole community into mourning. Mr. Guinotte, President of the Board, detained to his great regret in Brussels, has charged me to render this last tribute to the memory of our esteemed colleague.

“‘ The dangerous calling of the miner has taught us to dread the most cruel blows, but seldom has death selected a victim with such deplorable skill, seldom has the sorrow which the death of a strong man cut off in his prime must cause, been more deeply felt.

“‘ Others have spoken and will speak of Dandois as workman, as head of a family, as citizen, active in so many ways for the public good ; I shall speak only of the great part he played in the work of the Board he loved so much, because he saw in it the hope of industrial peace, which is essential to the welfare of his fellow workmen.

“‘ Joseph Dandois, President of the workingmen’s representatives in the Board of Conciliation and Arbitration of the colliery of Bascoup, was a man well fitted for the delicate and difficult duties of that office.

“‘ Intelligent, well-prepared, energetic and upright, he inspired respect in his adversaries and confidence in his friends. Ardent in the pursuit of what he believed to be

justice, he yet had that uncommon power of weighing the facts of a case without which it is impossible to accomplish anything by industrial conciliation.

“‘ For five years we have seen him at work, placed sometimes in very difficult situations, where he was severely tried, as every man must be who resolutely follows where his conscience leads.

“‘ He was a man.

“‘ I have sometimes seen him sad and indignant, when in his contests with injustice he feared that it might conquer, but I have never seen him quail, and I have never seen him desert that dignified and noble attitude which was the distinguishing trait of his character.

“‘ Ah ! his colleagues may well mourn his loss ! Never —I love to pay this tribute to him—never will his fellow workmen find a representative more true, more ready to sink his own interests for the good of the majority. And never will the Management have to do with a man more to be trusted or with a more loyal interpreter of their real meaning.

“‘ Poor Dandois ! It is scarcely a week since, as I consulted with him about the approaching anniversary of the Board of Conciliation, I saw his face glow with the thought that we were to celebrate with fitting solemnity the completion of the fifth year of the institution which he so jealously defended against all attacks. Despite his usual self-control and reserve, he could not restrain an exclamation of joy at the thought of this celebration which would have been a slight reward for five years of zeal the most constant and courageous.

“‘ And now we stand at his grave. Pitiless death has slain him on the field of honor.

"Adieu, then, true and loyal colleague. We shall gather without you the harvest we have worked for together; we shall enjoy without you the happiness which comes from duty done; but your memory will remain with us, and when we recall your true and sympathizing face, we shall recognize the part that belongs to you in the results of our common efforts, and shall praise you for the great example you leave to your successors.' "

CHAPTER VII.

CONCILIATION IN BELGIUM (CONTINUED).

THE COLLIERY OF MARIEMONT.

1888-1893.

A REPORT was published in 1892 which gives a *résumé* of the proceedings of the Board of Conciliation and Arbitration for the colliery of Mariemont (under the same Management as that of Bascoup) during the years 1888, 1889, 1890, and 1891, that is for the first four years of its existence. Sample extracts from this report will give a very good idea, both of the variety of subjects brought before the Board, and of the manner in which they are discussed and disposed of.

On the 2d of January, 1888, at the 1st session, "the Board adopted its constitution, verified the credentials of its members, discussed and adopted without important modification the rules drawn up by the Management, proceeded to the nomination of Presidents and Secretaries," etc., etc.

At this session the workmen, by one of their representatives, expressed much gratification at the establishment of a Board of Conciliation and Arbitration, from which they expected the happiest results, and they returned their warm thanks to the Management.

At the 4th session, on April 9th, among other things,

the Board "decided that payment to individual workmen should be tried, and if the results were satisfactory, it should be adopted in place of payment to groups. (It may be mentioned that the attempt seems to have been a success.)"

At the session on May 14, 1888, after other business of various kinds had been disposed of, "the meeting decided that the protests against certain fines which had been imposed, should be considered at a future session, after more thorough inquiry. . . . The workmen asked if the time had not arrived for a general increase of wages; the newspapers having announced an improvement in business, the workmen wished to share the profits with the Company. The President explained to them that the improvement did not affect the coal produced at Mariemont, but he promised in the event of a change for the better that the workmen should be the first to gain by it, as their wages would be at once increased."

At the 8th session on August 3, 1888, "the Board considered a protest of the workmen at the pit of St. Arthur against a fine for leaving the pit in too great haste, and, finding extenuating circumstances, decided to remit one half the fine."

At the 10th session of 1888, on the 19th of November, after other business, "a general demand for an increase of wages" was made. Mr. Guinotte, the President, said that, "although the conditions had not yet changed, he hoped for a rise in prices and the Management had permitted him to discount the rise, and to grant a general increase of five per cent. This good news was received with much pleasure by the representatives of the workmen, who warmly returned their thanks."

The 11th session was held on the 10th of December, 1888. "In the interval, however, a strike had taken place and the 7th Article of the Agreement had been broken.

"Mr. Guinotte invited the representatives of the workmen to explain their attitude during the strike, so that it might be known if each one had done his duty.

"The representatives of the workmen informed the Board of their conscientious efforts to prevent the stopping of work; the workmen would not listen to them, however, but had regarded them with suspicion.

"After this explanation, the President summed up the matter by saying that it seemed to him clear that the comparative failure of the representatives of the workmen was due to the difficulty of their position, which might be attributed both to the ignorance of the mass of the workmen and to the want of influence of their representatives with them. He concluded that it was necessary to increase this influence, perhaps by forming trade unions, perhaps by some other form of organization, and he invited the members of the Board to consider the matter with great care.

"The Board recognized the necessity of deferring the election of representatives to the Board to allow time for the excitement to abate."

At the 2d session of 1889, "the Vice-President asked in the name of the workmen that fines should be discontinued, saying that many large concerns had succeeded in doing away with them, and he thought it could be done equally well at Mariemont.

"Mr. Guinotte promised that the matter should be considered, but as order must be maintained meantime, he invited the workmen to consider the rules. The subject

was considered, and the rules adopted with some slight modifications. The clause fixing the fines for absence provoked much discussion, but was nevertheless adopted."

At the 6th session of 1889, on October 10th, "the Vice-President stated that, in view of a threatened strike, he had asked for a special session of the Board, to lay before it again the demand for an increase of wages, a demand justified, in the opinion of the workmen, by the increase in the selling price of coal. Mr. Guinotte said that it was true that certain collieries had increased wages, but it was those which sold coke; for Mariemont it would be impossible without a rise in prices. At the request of the workmen he would present their demand to the Management, but he could not support it, as under the circumstances it would be a betrayal of the interests of the stockholders, which it was his duty to protect. The representatives of the workmen did not conceal the anxiety which this refusal caused them."

On the 29th of October at the 7th session, "Mr. Guinotte announced a rise of price after Nov. 1st, and as he hoped this measure would not cause a falling off in the sales, he had the pleasure of declaring an increase of 5% in wages, beginning with November. If the sales permitted, a second rise would be made in December, and a corresponding increase in wages, as the Management had granted the demand of the workmen for an increase of wages in proportion to the price of coal up to the limit of 20%.

"The representatives said they would communicate the decision to the workmen, but they were not sure how it would be received, as the men had expected a larger increase."

On the 29th of November the 8th session of 1889 was held. Work had been stopped from the 4th to the 11th of November, the workmen having demanded that the increase of wages should be 10% and that afterwards it should be proportional to the selling price up to 20%. "Mr. Guinotte had answered them . . . and thought there had been a misunderstanding. He had been much pained at the stopping of work, which had showed that the men were not ready for such an institution as the Board of Conciliation.

"The Vice-President said that he had done his best to make the men listen to reason. Mr. Guinotte gave credit to the representatives of the men, who had resolutely opposed suspension of work. Two of the representatives stated that they had sent in their resignations, because they disapproved of the strike, which had taken place in spite of all their efforts."

At the 3d session of 1890, "the President stated that the workmen were not keeping their engagement in regard to the output, which had diminished considerably. In order to keep up wages, it would be necessary for the workmen to exert themselves to improve matters."

At the 4th session, on the 19th of May, after the regular business had been disposed of, "a discussion occurred between the representatives of the Company and those of the workmen, upon the diminution of the output."

At the close of the 8th session of 1890, on October 27th, "the Board considered a claim of a group at the pit of St. Arthur, whose wages had been very small during one fortnight, and it being proved that this was due in part to the men themselves, the compensation allowed them amounted only to one half of their loss."

The 10th session of 1890 was held on November 17th. Among other business the President called the attention of the Board to a certain rule in force at the Bascoup Colliery which was more favorable to the workmen than the corresponding rule at Mariemont, and proposed that it be adopted. "A copy of the rule was ordered to be sent to the members of the Board, who were requested to study it before the next meeting."

At that meeting (on December 15, 1890) the rule was adopted, and an increase of wages was also given, the second in 1890.

At the 2d session of the Board of 1891, on the 28th of February, the Vice-President said that "in case the Belgian workingmen should feel obliged to make a general strike to support their demand for a revision of the Constitution, the men of Mariemont would have to join the movement, but he begged the Management to regard it merely as a political demonstration; he hoped that the Board of Conciliation would not suffer and that the good relations between the Company and the men would not be changed."

At the 4th session, on April 20th, the question of stopping work on May 1st (Labor Day) was considered, and the President stated that "the Management did not intend to take any stand on the question, but would consent, as it did last year, not to impose any fine for absence upon such workmen as gave notice to their foremen that they should not report for work that day."

Among other matters presented was a complaint from several pits that the lamp oil was poor and the Management promised to make an examination.

At the 5th session of 1891, held on June 15th, "Mr.

Guinotte thought it necessary to address the workmen's representatives upon the subject of the late suspension of work. They had notified the Board that, should the strike become general, the workmen of Mariemont would join it, but the strike was not general, not having extended beyond the collieries, while some of these even had not joined it. Under these circumstances the Management could not but regret that the workmen of Mariemont should have felt obliged to join in the movement ; they were not seriously blamed, however, and no action would be taken since it was purely a political movement.

"The Vice-President explained that, after the strike, some men formerly employed in the morning were put to work in the afternoon, and they considered this as an underhand method of punishing them. Mr. Guinotte then read a report of the inquiry instituted concerning a complaint to the same effect made directly to the Management—the explanation being that when the men returned to work, the morning hours were filled first and consequently those who came in later were put to work in the afternoon. This explanation was satisfactory to the workmen, who asked, however, that as soon as possible certain individuals should be given other places, because of the inconvenience caused to the workingmen's associations to which they belonged, by their hours of work. The Management promised to favor any arrangement which, without disorganizing the service, would suit the workmen."

At this meeting also, among other matters, "the complaint of a workman that his son had not received a place to which he had a right, was declared without foundation."

In the minutes of the 7th session of 1891, after the

record of much business transacted, the following entries appear under the head of miscellaneous business :

“At the request of the workmen, inquiry will be made as to a means of avoiding the danger of the transporting of powder by workmen.

“A clock will be placed at La Reunion.

“Inquiry will be made as to hours of leaving the pit at Ste. Henriette.

“At St. Arthur the number of engineers will be doubled between midnight and two o’clock, as at present during the rest of the time when men are coming up from the pits.”

At the 8th session of 1891, on the 19th of October:

“Mr. Guinotte explained to the meeting how inopportune was the demand of the men of the Placard ; he recalled the agreement as to wages, and showed by a diagram that the share of the workmen had for a long time been higher than had been agreed, and he asked the workmen to verify his statements for themselves. The president of the workmen’s representatives said that he had expected the refusal, as he had already satisfied himself of the situation of affairs by examining the diagram, which seemed to him entirely correct, and that he only brought the matter before the meeting, because it was too late to obtain the consent of the originators to withdraw it.

“The representative of the Placard men explained the matter, which proved to be not a general demand for an increase of wages, but only a claim of certain groups who had had adverse conditions to work under ; the Board then decided that the claim must take the usual course, that is, go before the Chambre d’Explications, and then, if there is reason, to the Board of Conciliation.”

At the 9th session of 1891, Nov. 23d: "An increase of 10 centimes was granted to certain workmen of the Rivage, whose claim had been presented at the close of the last session. The representative of these men returned their thanks and then called the attention of the Management to the suffering that would follow for them should the river be closed by ice, as had happened the year before. The Management promised to try to give other work to the most needy, in case this should happen.

"A representative of the workmen having stated that certain other companies grant larger benefits to their workmen than the colliery of Mariemont, the Management explained that such Companies having the entire control of the Benefit Societies, without any fixed rules, it might be that in certain cases they did more than was done at Mariemont, where all transactions were according to rules established by the Constitution of the Benefit Society, under the management of the workmen themselves."

It seems scarcely necessary to point out that the extracts given above from the minutes of the Board of Conciliation (which, in full, cover 25 printed pages) show a sincere desire on the part of the Management of the Mining Company to deal justly by the working-men in its employ. Even where the men have by unreasonable demands or even by unreasonable action given the Management an opportunity to take advantage of them, the only motive to be discovered on the part of the representatives of the Management is the desire to deal justly and to bring the men back, by argument and explanation, to the right course.

There is no trace of the natural irritation which might

be expected on the part of more intelligent men in authority at unreasonable conduct on the part of ignorant men placed under their control; absolute justice and generosity and a sincere desire to do right and to persuade the men to do right, are the only feelings to be discerned.

In a private letter, dated January 1, 1893, Mr. Weiler writes in regard to the miners of the collieries of Bascoup and Mariemont:

"I am happy to say that our working-people continue to show the most admirable spirit, although they are being subjected to a very severe trial. Wages have fallen 25 per cent. and, as the men are also laid off one day every week, their income is reduced 37½ per cent. The reduction is the same in the neighboring collieries, and yet all is quiet. This only shows the patience of these poor miners, who are sometimes accused of making *unlimited demands*."

CHAPTER VIII.

CONCILIATION BETWEEN MASON BUILDERS AND BRICK-LAYERS' UNIONS IN NEW YORK CITY.

1885-1893.

THE long strike in the summer of 1884 of the Brick-layers' Unions of New York for a working day of nine hours is a memorable epoch in the history of both employers and employees throughout the United States, for it inaugurated a movement which has already been a blessing to hundreds of thousands, and which must go on with ever increasing good results.

The Master Masons and Carpenter Builders of the City had already in the winter of 1884 talked of forming an Association among themselves, but very little had been accomplished, and the movement might perhaps have come to nothing except for the occurrence of the strike which forced the Master Masons into a Union to make a stand against the Bricklayers' Unions.

The first two sections of the Constitution of this Association read as follows.

NAME.

Section 1. This organization shall be known as the "Mason Builders' Association of the City of New York."

OBJECT.

Section 2. The objects of this Association shall be :

First—To further the interest of Mason Builders, and, in conjunction with other organizations now existing (or to be formed) promote the interest of the building trade in general.

Second—To adopt such measures for the better protection of employers and employees as shall lead to the promotion of harmony between all parties engaged with us in business, to arbitrate all differences and so avoid the great evil of strikes, which unsettle our business and drive capital into other channels for investment.

Third—To demonstrate to our employees that our interests are identical, consequently all laws affecting the building interest must be considered jointly if they are to operate for the benefit of all.

Beginning in this spirit, with a recognition of the rights of their employees and the assertion of their own, the Mason Builders' Association entered upon its corporate existence, and has been signalized by the same spirit of justice in all its official actions.

The strike of the Bricklayers in the summer of 1884 lasted nearly three months, and its consequences continued to be felt after it was nominally ended. On January 12, 1885, the Executive Committee of the Mason Builders' Association recommended that a Committee on Conference be appointed "with a view to the adjustment of the differences which now exist, or may arise, between the members of this Association and the Labor Unions." In accordance with this recommendation the Association appointed "the Executive Committee itself to confer with the Labor Unions and settle all disputes."

On April 9, 1885, the Executive Committee reported two conferences with delegates representing all the Bricklayers' Unions of the City, which had resulted in the following propositions :

- “ 1. Wages to be paid by the hour.
- “ 2. The formation of a Joint Conference or Arbitration Committee.

“ 3. Rules for apprentices.”

The Executive Committee also submitted the copy of a long letter addressed by them to the Bricklayers' Unions, the closing sentence of which reads as follows : “ We fervently hope that we will be able to arrive at a conclusion, admitting that all laws governing our trade must be established by joint legislation between the Unions and the Employers.”

On April 21st, the Executive Committee submitted an agreement entered into with the representatives of the Unions, which was ratified by the Association of Mason Builders. This was also ratified by the Bricklayers' Unions and the following circular, embodying the agreement, was then addressed to the trade.

NOTICE.

According to agreement, the Joint Arbitration Committee of the Master Builders' Association, and the Bricklayers' Unions of New York City, will meet every Wednesday evening, at eight o'clock, at No. 1321 Broadway, to hear grievances and settle all disputes between employers and employees. Complaints will be received either in person or by communications.

The following agreement has been entered into by the above-named organizations, respectively :

NEW YORK, April 24, 1885.

It is hereby agreed between the Master Builders' Association of New York, and the Bricklayers' Unions Nos. 2, 33, 35, and 37, and the Amalgamated German Unions of the City of New York :

First. That the journeymen and foremen who were members of the unions last summer, be reinstated on payment of dues to date, and by the latter, of dues and assessments to date, which shall not exceed fifty dollars.

Second. That the wages of bricklayers from May 1, 1885, to May 1,

1886, shall be forty-two cents per hour, nine hours on any day ; Saturday, eight hours, with eight hours' pay.

It is particularly requested that all grievances be immediately laid before the committee in order to avoid all difficulties.

[Signed.]

MARC EIDLITZ,
Chairman,
H. OSCAR COLE,
Chairman.

The history of the Joint Arbitration Committee of the Mason Builders' Association and the Bricklayers' Unions, as shown by their minutes, is interesting and suggestive.

The Committee consisted at first of ten members, five from the Builders' Association, and five from the five Bricklayers' Unions, elected for terms of not less than three months. Weekly meetings were to be held, and special meetings at the call of the Chair. Three from each side constituted a quorum. Should there be non-agreement upon any question, an umpire was to be chosen, and his decision was to be binding on both sides.

At the weekly meetings matters of general interest were discussed and personal grievances of individuals were brought up—sometimes those of workmen fined unjustly, as they claimed, by the Unions, sometimes those of contractors unfairly dealt with by the workmen, sometimes those of workmen paid less than Union rates by members of the Builders' Association. At intervals such entries as the following appear:

"A general interchange of views on a variety of topics relating to the trade."

Then follow grievances again: Union men refusing to pay fines imposed ; members of the Association employing non-Union men ; the bricklayers leaving work of members of the Builders' Association for higher wages (than

Union rates). All these are considered and referred to the proper body to deal with its own members. One entry reads : "A general discussion was held on Trade-Union matters and a review of the situation at present." Finally, the subject of apprentices comes up, and so ends the work of the first eight months of the Joint Arbitration Committee with, as is evident, "very good feeling on both sides," and there can be no question that the mutual interchange of views must have wonderfully cleared the minds of the delegates on both sides.

In 1886, after many meetings and discussions and references back and forth to the Builders' Association and the Bricklayers' Unions, finally, on March 24th, the agreement for the year as to hours, wages, etc., was ratified, with the important additions that no strike is to be declared "until the matter in dispute shall have been submitted to the Joint Arbitration Committee for settlement," and "that no member of the Union shall be discharged for inquiring after the cards of the men working upon any job of a member of the Mason Builders' Association."

During 1886, the number of delegates from each side was increased to six and the quorum to four members from each side; the weekly meetings seem to have been given up for want of business, but there were regular meetings and several special meetings, where complaints of various kinds were presented, one, twice repeated, against a special firm for paying low wages. In regard to this, a committee was appointed to wait on them and state that "the Builders' Association cannot support any member in paying anything but Union wages, and they must take the consequences."

In September a special meeting was called to ask the

Mason Builders' Association to bring "influence to bear on the Boss Stone Cutters to stop the strike of the stone rubbers and cutters."

In January, 1887, at one of the meetings a "discussion of Trade matters" was held.

In February, 1887, one of the Bricklayers' delegates asked if the Mason Builders' Association had "joined the Boss Association of the Building Trades in antagonism to the Knights of Labor or to the Plumbers' Associations," and was assured by one of the Builders' Association that "owing to the friendly relations existing between the Association and their employees the Association had passed a resolution not to take part in the movement." The Union delegates in their turn stated that they were not controlled by orders of the Central Labor Union.

The agreement for 1887 was made with little friction, and followed almost exactly the terms of that for 1886.

Almost the only noteworthy action during the year was a letter to the Association of Building Material Dealers as to the brick cartmen's difficulties.

In March of this year at the first annual meeting of the National Association of Builders, Mr. John J. Tucker, of New York, spoke as follows: "In our efforts for the better promotion of the interests of all, we have established an arbitration through a conference held with our men, and by that arbitration we cover all disputes that may arise in the prosecution of our work. For two or three years past that process has been going on, and has worked very satisfactorily to both sides. We have monthly meetings, at which the members on the other side meet with us, and any dispute that may arise

during the progress of our employment is brought there for adjudication, and every case that has arisen so far has been met and adjusted without any difficulty on either side, and perfect harmony exists. I look upon the very fact of our coming now to this National Convention as being the commencement of a spirit of unity that is likely to pervade our land, and that the success of the movement will grow, and from it I think you will find that the condition of our mechanics will be very much improved through the incentive that will be given from this body."

In February and March, 1888, there were many meetings of the Joint Committee to discuss the agreement for the year, which was finally adopted in the old form with the following addition: "Except in case of necessity no work shall be done between 5 and 6 P.M., on five days of the week, or between 4 and 5 P.M. on Saturday, and all overtime shall be paid at double rate."

The agreement was ordered printed.

In February, 1889, the same agreement as that of 1888 was adopted, and, in May of that year, a definition of "overtime" in the case of two gangs was adopted.

A special meeting was called in November, 1889, when a complaint against a member of the Builders' Association for working for a company employing non-union men was received, and a resolution was passed that the firm be asked to try to have the non-union men dismissed.

In February, 1890, wages of fifty cents an hour were asked for; reports were made by the representatives of the two parties to the Association and to the Unions respectively, and it was not until March 6th that the demand was granted and the agreement ratified.

Nothing of interest occurred during the year 1890, and

at the meeting in January, 1891, the Union delegates were not prepared to discuss the agreement for that year.

There were two meetings in February, but it was not until March 13th that the demands of the Bricklayers' Unions (now numbering eight, all represented on the Committee, which also had eight delegates from the Builders' Association, with five from each side to form a quorum) were presented as follows:

"An eight hours' working day; 50 cents an hour.

"Pay day on Saturday."

Two meetings in March, with 15 members present at the first and 16 at the second, finally brought about an agreement in which the eight hours' day was adopted, but not the weekly pay day.

There was very little business of importance during the year 1891, and the meetings were infrequent. On July 30th a special meeting was called to hear a charge against a builder, that he had paid less than the Union wages, but at the meeting the charge was withdrawn.

On January 28, 1892, at the regular monthly meeting, there was "a general talk relative to apprentices."

In February, with twelve members present, the proposed agreement for the year was read, but no action taken.

In March there was a special meeting to hear a complaint against a certain firm that bricklayers were working from five to six P.M. without authority from the Unions, and the following day a letter was received from the firm, promising to keep to the terms of the agreement.

On March 17th, on March 24th, on April 7th, the agreement for the year was considered, and finally signed by all present excepting the delegates of two Unions,

who said they had no authority to sign without a special vote of their Unions. A resolution was thereupon passed that these Unions be notified that "delegates without power are useless."

The agreement was as follows :

NEW YORK, April 7th, 1892.

It is hereby agreed to by the Mason Builders' Association of New York City, and the Bricklayers' Unions Nos. 4, 7, 11, 33, 34, 35, 37 and 47 of New York City, members of the Bricklayers' and Masons' International Union :

I.

That the wages of the Bricklayers from May 1, 1892, to May 1, 1893, be fifty cents per hour, eight hours, six days in the week, and that the hours of labor be from 8 A.M. until 5 P.M., with one hour for lunch.

II.

The Unions, as a whole or single Union, shall not order any strike against the members of the Mason Builders' Association, collectively or individually, nor shall any number of Union men leave the works of a member of the Mason Builders' Association, before the matter in dispute is brought before the Joint Arbitration Committee for settlement.

III.

That no member of the Unions shall be discharged for inquiring after the cards of the men working upon any job of a member of the Mason Builders' Association, nor will the Walking Delegate be interfered with when visiting any building under construction.

IV.

Except in case of extreme necessity, no work shall be done between 7 and 8 o'clock A.M. and 5 and 6 o'clock P.M. on six days in the week, and all overtime shall be paid a double rate. Overtime means all time between 5 P.M. on Saturday and 8 A.M. on Monday; also all time between 5 P.M. and 8 A.M. on other days, and the following legal holidays : Washington's Birthday, Decoration Day, Independence Day, Labor Day and Christmas Day.

V.

That the members of the Mason Builders' Association shall do their own fireproofing.

VI.

That Bricklayers be paid on Saturday, before 5.30 P.M. once every two weeks.

VII.

That the Arbitration Committee meet on the fourth Thursday in every month, or at the call of the Chair on either side.

<p>W. S. HARRISON, <i>Chairman.</i> ROBT. L. DARRAGH, CHARLES ANDRUSS, ALEX. BROWN, JR., WARREN A. CONOVER, JOSEPH SCHAEFFLER, JR., TIMOTHY MAHONEY, CHAS. A. COWEN, JOHN J. TUCKER.</p>	<p><i>For the Mason Builders' Association.</i></p>	<p>47 WILLIAM J. DALY, <i>Chairman.</i> 4 WILLIAM STEWART, 7 JOHN DOYLE, 11 DIEDRICH HOLSTE, 33 JOHN J. BANIGAN, 34 HENRY O. COLE, 35 JOHN MEISTER, 37 BENJAMIN F. KING.</p>	<p><i>For the Bricklayers' Union.</i></p>
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On May 26th, "a general talk" was held at the monthly meeting.

On September 22d and 29th certain complaints of workmen against employers were considered, and the minutes of the Joint Committee of Mason Builders and Bricklayers for the year 1892 are closed without even a mention of the strikes and lock-outs which in every other branch of the Building Trade in New York City had been a constant source of trouble throughout several months.

One most noteworthy fact in the history of this Joint Committee is that never, during the eight years of its existence, has it been necessary to call upon an umpire to decide a question coming before the Committee. This, in itself, speaks volumes for the justice of the men representing the two bodies interested.

The gains for the workmen since the establishment of the Joint Committee are to be seen by comparing the first

agreement, for the year 1885, with that for the year 1892. Besides minor changes, wages have been increased from 42 cents an hour to 50 cents an hour, and the working day has been decreased from nine to eight hours. The gains for the employers are to be judged by their satisfaction with the results. The gains for the community can scarcely be computed.

CHAPTER IX.

PROGRESS OF CONCILIATION IN NEW YORK CITY.

1892.

THE spectacle of successful conciliation between the eight Bricklayers' Unions and the Mason Builders' Association of New York during the seven years from 1885 to 1892 finally began to attract the attention of men in other trades, but the first attempt to follow the excellent example was made by unskilled laborers, the hod-carriers and diggers.

On December 10, 1891, a letter was received by the Mason Builders' Association from the "Officers of the General Council of the Laborers' Union," in regard to a Committee appointed by that Union to meet a Committee of the Mason Builders' Association for the purpose of forming what was practically to be a Board of Conciliation. The Standing Committee on Arbitration of the Mason Builders' Association was directed to meet with the Committee from the Laborers' Union, and on April 28, 1892, the meeting was held.

Being asked to state their wishes, one of the Laborers' Committee said that their object was "to arrange an agreement with the Mason Builders' Association, such as existed between the Builders and Bricklayers." He stated that the Laborers' Union was independent, consisting of

eleven divisions, "representing the Italian, German, Irish, and Colored element," and they desired to sign an agreement to work for 30 cents an hour. He said: "The gentlemen forming the Laborers' Committee would consist of a representative of the different national divisions, and they were empowered to sign such an agreement as might be made at the above rate of wages at any time."

This being reported to the Mason Builders' Association on May 3d, the Arbitration Committee was directed "to enter into the agreement proposed with the Labor Unions of this City, after the said Unions have given our Committee substantial evidence of their being properly organized to enter into such an agreement on the same basis as the one now existing between the Bricklayers' and the Mason Builders' Association."

On May 10th, the Arbitration Committee met the eleven delegates from the various divisions of the Laborers' Union, and the following resolution was presented by the latter for the information of the meeting:

"NEW YORK, May 8th, 1892.

"At a meeting of the Council of the Laborers' Union Protective Society, the following order was decided on:

"*1st.* That our Union be recognized and our delegate be admitted on all jobs.

"*2d.* That the rate of wages shall be 30 cents an hour for eight hours per day.

"The idea of this is to avoid all manner of strikes. That a friendly feeling shall exist between the employer and the employee."

After an examination of the credentials of the delegates, an agreement was drafted, adopted, and signed as follows:

NEW YORK, May 10, 1892.

It is hereby agreed to by the Mason Builders' Association of New York City and the Laborers' Union Protective Society, consisting of the following divisions, Nos. 1, 2, 3, 4, 5, 7, 8, 9, 10 and 11:

I.

That the wages of the masons' laborers from May 14, 1892, to May 1, 1893, be thirty cents per hour, eight hours, six days in the week, and that the hours of labor be from 8 A.M. until 5 P.M., with one hour for lunch.

II.

The divisions, as a whole or single division, shall not order any strike against the members of the Mason Builders' Association, collectively or individually, nor shall any number of Union men leave the works of a member of the Mason Builders' Association before the matter in dispute is brought before the Joint Arbitration Committee for settlement.

III.

That no member of the divisions shall be discharged for inquiring after the cards of the men working upon any job of a member of the Mason Builders' Association.

IV.

That the masons' laborers be paid on Saturday before 5.30 P.M. once every two weeks.

V.

That a meeting of the Arbitration Committee can be called by order of the Chairman.

W. S. HARRISON,
CHARLES ANDRUSS,
WARREN A. CONOVER,
ALEX. BROWN, Jr.,
CHAS. A. COWEN,
JOSEPH SCHAEFFLER, Jr.

*For the
Mason Builders'
Association.*

4. P. J. KELLY,
1. MATTHEW FINERTY,
2. PAT. CUMMINS,
3. JAMES BRENNAN,
5. JOSEPH KIERNAN,
- 7.
8. PATRICK WINTERS,
9. GUST. MEANFRED,
10. F. RAU,
11. JOHN NINI GOVANNI.

*For the divisions of the
Laborers' Union
Protective Society.*

Meanwhile another body of working-men had come to the Mason Builders' Association for help in their efforts to secure industrial peace. On March 10, 1892, a Committee of Hoisting Engineers appeared at a meeting of the Association and stated that they had "formed an independent organization to prevent strikes," and asked the Mason Builders to "aid them to strengthen the stand they had taken."

This the Association did by passing a resolution that they were "in favor of an independent organization of Hoisting Engineers, and that the Secretary notify the Hod Elevator Companies of New York City to that effect."

Some months elapsed before any result followed, but after some further action by the Association, "to encourage the Hod Hoisting Employers," it was reported on August 12th that the latter had organized an Association, that their Engineers would probably organize, and the two bodies thus formed would "legislate their own affairs," and further, "in case the representatives of the Engineers and of the new organization could not agree on a point that they might have in arbitration, that a Mason Builder should be selected as umpire."

On December 8, 1892, at a regular meeting of the Mason Builders' Association, a communication was received from the Secretary of the Association of the Hod-Hoisting Employers, to the effect that they "had made an agreement with the United Association of Engineers, in which they had endeavored to bring about a perfect understanding between the different parties concerned, in relation to hours of work, scale of wages, sympathetic strikes, etc., and thought they had succeeded."

The Secretary of the Mason Builders' Association was

"instructed to write to both parties concerned, . . . that this Association congratulates them on the agreement they have so wisely entered into."

This, however, was not the only good office for other trades performed by the Association in 1892.

During the months of June and July, the Dealers in Building Materials had had much trouble with their employees, "Walking Delegates" having interfered with their business in various ways. During July the Mason Builders' Association had voted to support them in their efforts to free themselves from outside dictation, and at the meeting of August 12th, a letter from the Secretary of the Building Material Dealers' Association was read, informing them that the strike had been declared off, and their men "had asked to be re-instated, subject to our instructions and directions, and regardless of any Union."

To this letter a most admirable answer was returned, remarkable for its moderation and wisdom. The Association of Mason Builders began by expressing interest in the successful efforts made by the Dealers' Organization "against the unjust, arbitrary action of the Board of Walking Delegates," and continued: "We have only one fear now that success has crowned your efforts, and that is that there may be a tendency on the part of some members of your organization, since the labor that you now employ is not organized, to cut down the rate of wages in order to re-imburse yourselves for some of the trouble and loss which you have incurred. Although this action would be natural, and to an extent, justifiable, we feel it our duty to call your attention to the fact that any action of this kind will do much to drive the men into the Central Organization again, and make a strong

excuse for the existence of the Walking Delegate. We would, therefore, respectfully suggest that now you have shown your strength and the Union is disrupted and you yourselves are thoroughly organized, that you will proceed to organize the men now in your employ, and after that appoint a Committee, and legislate with them on the same general lines as is now being done in our own body. Unless such action be taken, we fear that your efforts will have secured only temporary peace, and that within a reasonable length of time, new strikes and new difficulties will be inaugurated. . . ."

The good wishes of all must be with the Mason Builders' Association of the City of New York in their efforts to bring peace between the warring factions of the building trades, among whom, as reported by the Board of Arbitration of the State, there were 200 strikes and lock-outs in New York and Brooklyn during the summer of 1892.

CHAPTER X.

CONCILIATION BETWEEN MASON BUILDERS AND BRICK-LAYERS IN CHICAGO.

1887-1893.

THE spring and summer of 1887 were signalized in the City of Chicago by "labor troubles" which included not only all the building trades, but all the trades concerned in the manufacture of building materials. There was a complicated succession of strikes and lock-outs, which lasted from the end of April until July 11th, and caused a loss in wages and profits to contractors of not less than \$4,000,000, as computed in the pamphlet published in 1887 under the title "30,000 Locked Out." There were nineteen different trades or subdivisions of trades involved, and during nine weeks all building was brought to a stand-still.

It was evident that the "Labor Question" in Chicago had assumed very serious proportions, and that the real cause of the troubles of 1887 was the state of feeling engendered by years of difference between employers and employed, not the special occurrences which precipitated the contest.

The Master Masons and Builders were the leaders on the side of the employers, and their position was right

from the beginning, so far as can be judged from their official declarations published in the pamphlet referred to.

Early in May (after the United Order of American Bricklayers and Stone Masons had, without notice to the Builders, decided that the pay day should be changed from Tuesday to Saturday) the first official communication from the Association of Master Masons and Builders contained the following sentence: "We submit to your consideration that a subject of this kind can hardly be 'fixed' by a resolution in a meeting of employees, but should be referred to and properly discussed by a Joint Committee of both employers and employees before action is taken." Thus the right principle was annunciated from the very outset by the Master Masons, viz.: that matters of common interest to both employers and employees cannot be settled by one party only, but must be discussed by representatives of both parties before a decision can be reached. This seems to be a self-evident proposition, but it took more than two months of idleness and contention before it was acted upon.

On another matter also the Master Masons' Association was right from the beginning. They never set themselves against Labor Unions as such, but, on the contrary, on May 17th, they adopted a platform of principles, in which the following declaration of the National Association of Builders, together with others, was re-affirmed, as "fundamental principles upon which must be based any and all efforts at settlement of the now existing lock-out in building trades:"

" . . . We recognize that there are many opportunities for good in associations of workmen, and while condemning and opposing improper actions upon their

part, we will aid and assist them in all just and honorable purposes; . . . ”

Another most important declaration of the National Association of Builders, re-affirmed at this crisis by the Chicago Association of Master Masons and Builders, was the following :

“ We affirm that absolute personal independence of the individual to work or not to work, to employ or not to employ, is a fundamental principle which should never be questioned or assailed ; that upon it depends the security of our whole social fabric and business prosperity, and that employers and workmen should be equally interested in its defense and preservation.”

On June 12th, the Master Masons issued an address to their former employees, the spirit of which is shown by the following extracts :

“. . . To those of you who believe in arbitration as a better mode of redressing grievances or adjusting differences than the strike or lock-out, to those of you who are old enough to remember that the members of our organization have all been journeymen bricklayers and stone masons, that there are none among us who may not be compelled to take up tools again, nor any among you who may not at any time become employers, and that consequently there are no questions concerning one branch which are not of interest to the other—to you we address ourselves. . . . We are not opposed to all Unions. In the second paragraph of our platform we recognize the right of organization among workmen for all just and honorable purposes. But we are opposed to the methods employed by the present Unions. In all directions brute force is the foundation of the present Union. This is

wrong. Brute force can only be opposed by brute force ; the strike on the one hand by the lock-out on the other, resulting in loss and suffering to both, and without any permanent results, for no matter which side is successful, the only thing proven is that it had the strongest organization, not that its position is right. Strikes and lock-outs with all the train of resulting evils can only be prevented by organization among both workmen and employers, both recognizing the same fundamental principles, and agreeing to refer any question of temporary policy, such as the amount of wages to be paid, the number of hours to be worked, pay day, or any grievances or differences arising in the future, to a Joint Committee of Arbitration. . . .

“ . . . To sum up,—form a Union on the same platform we uphold, and whenever one hundred, yea, fifty, members shall have enrolled themselves, we will gladly recognize it and appoint members to serve on a Joint Committee to have charge of all matters of mutual interest. . . .”

During the month of June repeated attempts were made to settle the differences between the Bricklayers and the Master Masons, but without success, until on June 29th, the Master Masons' Association appointed a Committee on Arbitration consisting of five members to meet with a similar Committee appointed by the Union. On July 1st these two Committees met, the first business being to select an umpire, the eleventh member of what was to be a “Joint Committee of Arbitration.” The selection was made after several sessions ; Judge Tuley of the Superior Court of Cook County was unanimously chosen, and on Monday, July 4th, the whole Committee met and its real work began.

The matters discussed included all the questions which had occasioned strikes and lock-outs for the previous five years. On July 8th, after four days' session, the Joint Committee agreed upon a unanimous report, which was submitted to the Bricklayers' Union and the Master Masons' Association for ratification, and on July 11th, 1887, the work of building, which had been suspended in Chicago for nine weeks, was resumed, and has never been interrupted since that day by a lock-out or a strike on the part either of the master masons or the bricklayers.

The report of the Joint Committee on Arbitration, after an introduction, makes the following important statement:

“. . . We found that the main cause of trouble was in the separate organizations endeavoring to lay down arbitrary rules for the regulation of matters which were of joint interest and concern, and which should be regulated only by both organizations by some species of joint action. We, therefore, determined upon and submit herewith a project for the institution of a Joint Standing Committee for that purpose. . . . This Joint Committee will be constructed of an Arbitration Committee of five members from each organization (the president of each being one of the five), and an umpire, who is neither a working mechanic nor an employer of mechanics, to be chosen by the two Committees. This Joint Committee is given power to hear and determine all grievances of the members of one organization against members of the other, and of one organization against the other, and to determine and fix all working rules governing employer and employes, such as:

- “ 1. The minimum rate of wages per hour.
- “ 2. The number of hours of work per day.
- “ 3. Uniform pay day.
- “ 4. The time of starting and quitting work.
- “ 5. The rate to be paid for night and Sunday work, and questions of like nature.

“ And it is also given power to determine what number of apprentices should be enrolled, so as to afford all boys desiring to learn the trade an opportunity to do so without overcrowding, so as not to cause the coming workman to be unskilled in his art, or the supply of labor to grossly exceed the demand therefor. It is also given exclusive power to determine all subjects in which both organizations may be interested, and which may be brought before it by the action of either organization or the President thereof. . . .”

The Joint Committee, besides making this important report, which provided a means of avoiding future strikes and lock-outs, also drew up a set of working rules, which were adopted by both organizations and have been re-adopted year by year, with but few changes, since that time.

Each year five members of the Joint Board have been elected by each organization, and an umpire elected by these ten members at their first meeting. One of the provisions in relation to the action of the Joint Board which was incorporated into the Constitution both of the United Order of American Bricklayers and Stone Masons, and of the Chicago Master Masons' and Builders' Association, was as follows:

“ Section 6. The Joint Committee of Arbitration shall have all evidence in complaints and grievances of a mem-

ber or members of one body against a member or members of the other, or of one organization against the other, referred to it by the President of either Association, and shall finally decide all questions submitted, and shall certify by the umpire such decisions to the respective organizations.

"Work shall go on continuously and all parties interested shall be governed by award made or decisions rendered, provided, however, that work may be stopped by the joint order of the Presidents of the respective Associations until the decision of the Joint Committee is had. . . ."

Section 10 provides:

"This article having been agreed upon by the Union of the United Order of American Bricklayers and Stone Masons and the Master Masons and Builders' Association shall not be repealed or amended by either organization, except upon a six months' previous notice given to the other organization, and such notice shall not be given until after all honest efforts to settle the grievance or difficulty shall have been made. . . ."

The above agreement, entered into in 1887, has not been changed in any material point since, nor has there been any strike or lock-out of bricklayers in Chicago.

The following are the "Working Rules for 1893," agreed to by the representatives of the Chicago Masons' and Builders' Association, and of the United Order of American Bricklayers and Stone Masons:

Section 1. The minimum rate of wages shall be fifty cents (50c.) per hour.

Section 2. Eight hours shall constitute a day's work throughout the year including Saturdays and Sundays. Work to begin at 8 A.M. and end at 5 P. M., but the noon hour may be curtailed by special agreement between the foreman and the majority of workingmen employed on the job, but not in

any way so as to permit more than eight hours' work between the hours mentioned.

Section 3. No member shall be permitted to work overtime under any circumstances, except in case of actual necessity, and for such overtime, time and one half shall be demanded and received.

Section 4. Eight hours shall constitute a night's work. Night work shall not commence until 7 P.M. and shall be paid for at the rate of time and one half. Sunday work shall be paid for at the rate of double time; also Washington's Birthday, Fourth of July, Thanksgiving, Christmas and New Year's day.

Section 5. Hereafter no employer shall make a reduction in the wages of a bricklayer or stone mason without giving said man or men due notice previous to making said reduction.

Section 6. The stone masons shall cut all broken ashler, range, rock-faced and worm work, and all rough jambs and quoins in building work, and all rough pitched faced bridge, viaduct and pier work, cut from Illinois Lime Stone in the city of Chicago, by any member of the Chicago Masons' and Builders' Association. This rule applies only to stone of six cubic feet or less, and provided that a sufficient number of competent stone masons can be had to do the work. Otherwise, the contractor or contractors, after giving previous satisfactory notice to the President of the U. O. A. B. & S. M., to furnish said men, has the right to employ stone cutters to finish the job. The leveling of all footing stones shall be done by stone masons. All kinds of cut stone work shall be set by members of the U. O. A. B. & S. M. No stone cut by convict labor shall be set.

Section 7. All members will collect their pay at least once in two weeks and before 5 P.M. on pay day. The U. O. A. B. & S. M. will not be responsible nor will they collect any money allowed to run longer than that time.

Section 8. In regard to sub-contracting in front lumping, such as press brick and stone setting work, except the setting of footing stone, any person or persons doing said work or working on same shall be either a member of the C. M. & B. A. or a member of the U. O. A. B. & S. M.

Section 9. No member of the U. O. A. B. & S. M. shall stop or cause to be stopped any work under construction for any member of the C. M. & B. A., except by written order of the Presidents of both organizations, under penalty of a Twenty-Five Dollar (\$25.00) fine. And any member of the C. M. & B. A. or the U. O. A. B. & S. M. violating any of the rules agreed upon and established by the Joint Board of Arbitration shall be subject to the above-stated fine.

Although duly elected each year, the umpire of the Chicago Joint Board of Arbitration has never been called upon, since the meetings of 1887, to sit with the Board or to decide a disputed question. Every question has been settled by reason and calm deliberation.

CHAPTER XI.

THE NATIONAL ASSOCIATION OF BUILDERS AND CONCILIATION.

TWO years after the New York Mason Builders' Association had formed the Joint Committee on Arbitration in co-operation with the Bricklayers' Unions of New York, the National Association of Builders was established and its first annual meeting was held at Chicago on the 29th, 30th, and 31st of March, 1887.

At this meeting Delegates from 27 cities were present, including six from New York, two of these latter being gentlemen who had been active in establishing the Joint Committee on Arbitration, and who were also Members of that Committee, and although no definite resolution was adopted at this meeting recommending arbitration, yet the Declaration of Principles contained the following sentence. ". . . While upon fundamental principles it would be useless to confer or arbitrate, there are still many points upon which conference and arbitration are perfectly right and proper and upon such points it is a manifest duty to take advantage of the opportunities afforded by Associations to confer together, to the end that strikes, lock-outs, and other disturbances may be prevented."

The tone of the three days' proceedings, whenever the relation between employers and employees was touched

upon, was one of justice—there was no opposition to Trades-Unions as such, and also no want of courage in asserting the rights of employers.

The address issued in December, 1891, by the Executive Committee of the National Association, in reviewing the work done since its organization says :

“ The relation of employers to their workmen and methods to harmonize the interests of the two factions has been, from the very initial proceedings up to the present time, as it must be for years to come, one of the most prominent questions to be considered. . . . The discussions of this question at each convention show a marked departure from the treatment which the subject has received from any other body of people, inasmuch as the characteristic of antagonism to the organized effort of the workmen has been eliminated, and a purpose outlined and developed looking toward the discovery of methods and ways whereby the plans of the workmen to better their condition may be freely aided, while proper safeguards against disastrous and dangerous action may be set up, through joint consideration and joint agreement on all matters of mutual concern, thus avoiding the terrible loss and disturbance caused by strikes and lock-outs. . . .

“ What has resulted from the concentration of the views of builders from all over the country on the question of a means of settling all questions of mutual concern with workmen ?

“ The first general result and by no means an insignificant one, is that the workmen have become impressed with the fact that we are giving careful consideration to the question which they have been hammering at in a

one sided fashion for many years ; and as they have been anxious that we should take the matter up as one worthy of examination, they have become less aggressive and are getting into a frame of mind such as is conducive to putting plans for peaceable settlement of disputed points into operation.

"The second general result is that employers have been led to see that it is by no means certain that an attitude of opposition is the only one for them to assume in the settlement of the labor question ; that, on the contrary, it may be the wiser course for them to take the initiative and be a more positive element in the search for a way out of the perplexities which have surrounded the employer and employee for so many years. . . .

"The specific cases of benefit are not as large in number as might be wished for. . . . The cases, however, . . . have been such signal successes that they promise much for the future. . . .

"The Mason Builders' Association of Boston . . . has united with the various organizations of workmen coming into relations with that business, in the adoption of the identical plan of arbitration formulated by the National Association, and has thereby succeeded in establishing more harmonious conditions than have ever before existed ; a most conservative spirit has been manifested on both sides, and measures have been adopted by the Joint Committees which are far in advance of anything which has previously been thought possible. A fully defined method of apprenticeship has been adopted, . . . and this has been thought so highly of that it already has been adopted word for word, by organizations of employers and workmen in New Brunswick.

"The Stone Masons' Association of Pittsburgh is the second instance where the general plan of the National Association has been adopted in this matter of arbitration of differences, or joint settlement of matters of mutual concern between employers and workmen. The immediate result in this case was that while all the other building trades in Pittsburgh were involved during the last year in a long and bitter struggle, this trade was peacefully pursuing its course, and employers as well as workmen were benefited thereby. . . ."

At the Convention of the National Association of Builders, held in New York City, Feb. 9, 10, 11, 12, 13, and 14, 1891, a Committee appointed at the previous convention "to prepare a form of arbitration," submitted their report, which contains so important an expression of principle that it deserves to be reproduced in full.

It is as follows:

The Committee appointed at the last convention of the National Association of Builders to prepare a form of arbitration, offer to the delegates assembled at the Fifth Annual Convention the result of their deliberations.

The committee call attention to the fact that one of the fundamental points of the Declaration of Principles of the National Association recites that "employers in the building trades should recognize that there are great opportunities for good in associations of workmen, and while opposing and condemning improper methods and action upon the part of such associations, they should still be ready to aid and assist them in all just and honorable purposes."

Your committee believe it to be possible and desirable for employers and workmen to unite in establishing a method by which the interests of workmen and the interests of employers may each receive just consideration, and through which the relations of each to the other may be harmoniously adjusted.

They believe that to secure the establishment of such a method, it is absolutely necessary that there be associations of employers and associations of

workmen, to serve as representative bodies in the premises, in order that the action taken may comprehend, as fairly as possible, the collective interests of the individuals on both sides, and in order that the practices recommended may, through them, be more generally adopted.

They believe that no association desiring recognition as a representative body should, either in its form of organization or through its By-Laws, rules, or practices, attempt to independently or arbitrarily control or influence the action of others ; but, recognizing the rights of others, should adopt measures that will lead to joint consideration and joint action in all matters of mutual concern.

They believe that associations established on the principles above expressed should be heartily encouraged, all persons eligible thereto should be urged to join, and every legitimate effort made to convince them that it is their duty to unite with their fellows in all honorable methods for the establishment and maintenance of just and proper practices among themselves and in their relations to others.

In harmony with these views, and believing it is the manifest duty of the National Association to recommend to its filial bodies a definite and universally applicable method of arbitration in place of objectionable methods, or lack of method, heretofore existing, and which shall fully recognize the rights of both employers and workmen,

Your committee offer the following draft of a form of organization of a Joint Committee, and certain other action deemed essential, which they believe to be applicable for the use of any and all of the various branches of the building trade, and offer it as an honorable plan, which filial bodies may safely recommend to employers and workmen in the building trades, for the peaceful settlement of all matters of mutual concern.

Your committee recommend that all filial bodies be urged to present this simple plan to the various trades represented in their bodies, requesting their various special trades to organize, if not already organized, and then offer this plan to the organizations of workmen in their trades as the basis for a mutual agreement and understanding which shall prevent all further disputes.

In the discussion that followed many wise and just things were said by the members of the Convention, but one only can be quoted.

Mr. Sayward of Boston, Secretary of the National Association, in an extended argument in favor of the adoption

of the report, said : "I wish to be fair to both sides, and I wish to say this much, that I believe that organizations of employers need improvement almost, if not quite, as much as organizations of workmen. Simply because they are employers does not by any means make them entirely just in all that they do. Many a time they, too, are arbitrary; they, too, step too far; they, too, claim too much—arrogate too much to themselves. One of the things that the National body is doing, or should attempt to do, is to try and show how these two great interests, which are bound to exist, no matter how much we talk—the interests of the workmen and the interests of the employers, can be harmonized so that justice will prevail. . . ."

The report was adopted with one amendment, the omission in paragraph 6 of the words: "All persons eligible thereto shall be urged to join, and every legitimate effort made to convince them that it is their duty to unite with their fellows."

The plan proposed by the Committee, and endorsed by the National Association of Builders will be given in full in the Chapter on Conciliation in Boston, where it was first adopted as a whole, and put into practice with great success as stated in the "Address" already quoted.

The spirit of the National Association is again shown in the following extracts from an editorial by the Secretary, Wm. H. Sayward, in *The Builders' Exchange* for July, 1891.

"The time has come for the establishment of more harmonious relations between employers and workmen. The time for such action has been always present since the first man was employed, but to-day more than ever

before is the necessity apparent, and the necessity will be greater to-morrow.

"For years the trades have been organizing throughout the United States, strengthening themselves and gradually reducing each branch to a unit that is weak or strong as a factor for good, in so far as the union is weak or strong.

"The first declaration of every trades-union is the fact that the object of the organization is the betterment of the condition of its members, and by this promise the workmen have been drawn together until their combined strength is such that the accomplishment of desired ends is attempted by strength only, and out of the success gained by this strength have grown the arbitrary demands and untenable positions which have utterly defeated the first promise (the betterment of conditions) in so many instances. . . .

"There is a true basis upon which the employer and the employee must stand, and each has rights that the other must recognize and respect. Each has a just and honorable position to fill, and the duties of these two positions will never be established until the employer and the employee come together for harmonious consideration under such conditions that a decision arrived at shall be binding upon both elements of the community. . . .

"The method by which more just and harmonious relationships are to be established is arbitration. Employers must recognize the fact that it is their duty to take advantage of every honorable means that can be devised to correct the wrong conditions existing to-day in the field of labor, and which operate to the detriment of the community to such a disastrous extent.

"The workmen have so long been in the habit of taking the initiative, entirely independent of the employer, that the latter has drifted into a condition of instinctive combativeness which creates and fosters the spirit of opposition in the former.

"As a problem in human nature, the condition is simple enough. No man can or does expect to arrive at a harmonious and satisfactory determination with another for whom he has avowed opinions of enmity and distrust. The enmity and distrust must first be wiped out, and the common ground of perfect understanding by each of the true position of the other must be reached before a satisfactory transaction can take place.

"It is exactly the same in reference to the building trades to-day. The employer and the employee must get together upon the common ground of understanding of each other's true position before action can be taken upon subjects affecting their common welfare that will be mutually beneficial. Employers have allowed the condition of affairs to drift along, dealing individually with trades-unions, until the weakness of their position has been clearly demonstrated; and after being forced into distasteful action by reason of failure to establish themselves in a position which should enable them to keep equity uppermost, they have been obliged to yield point after point until the main reason of their combining, in many instances, has been nothing more than exasperation.

"No organization of employers formed for the purpose of crushing trades-unions can accomplish any good. This is said advisedly, for the reason that organization must exist on both sides before action can be taken to affect both sides as a class or whole. When any particular

union is under the control of men who have not the welfare of the trade and community at heart, and the union assumes a false position that cannot be corrected by other means, employers are warranted in crushing it out of existence, but they should at the same time advocate the reunion of the workmen under principles of equity and co-operation for the benefit of the whole."

CHAPTER XII.

CONCILIATION IN THE BUILDING TRADES OF BOSTON AND VICINITY.

1891-1893.

CONCILIATION in the building trades in Boston and its vicinity is carried out on the plan recommended by the National Association of Builders. Three different Unions have formed Joint Committees with the Builders' Association.

In August, 1891, the following account of the formation of these Joint Committees was given in *The Builders' Exchange*, under the title

"PRACTICAL ARBITRATION."

"The Mason Builders' Association of Boston have been the first to make direct and practical application of the form of arbitration as adopted and recommended by the fifth convention of the National Association.

"Within a month after the close of the convention a meeting of the Mason Builders' Association was held for the purpose of considering the advisability of adopting the form of arbitration mentioned and establishing a Joint Committee under the rules suggested by the National Association. It was unanimously decided that the plan proposed offered the best possible solution to the complications which are continually arising between

employers and workmen, and a Committee of Conference was appointed. A request was then extended to the Bricklayers' Union, the Stone Masons' Union and the Building Laborers' Union to appoint similar committees to consider the establishment of a Joint Committee of Arbitration.

"The unions mentioned at once took the matter up favorably and meetings of conference were separately held, with the committees from each union, which resulted in the appointment of a delegation of five members from each union to act with a delegation of like number from the Mason Builders' Association as a Joint Committee of Arbitration.

"The result of the action of the Joint Committee is best indicated by the following letter, which was issued to members of the employers' association about July 1:

The Mason Builders' Association of Boston and Vicinity.

166 DEVONSHIRE ST., BOSTON, MASS.

TO ALL MEMBERS OF THE MASON BUILDERS' ASSOCIATION:

Gentlemen.—The Joint Committee appointed by the association in conjunction with the Bricklayers' Union, the Stone Masons' Union and the Building Laborers' Union has completed its labors, and, in behalf of the associations named, has agreed to the following working rules for the year 1891.

All members will be expected to govern themselves in accordance with these rules, and it is suggested that members take particular pains to inform their foremen and other employees who have any charge or direction of work, or who are authorized to employ workmen, of all details of this agreement, and caution them to observe the same.

WORKING RULES.

With Bricklayers' Union:

1. Hours of labor shall be nine for Monday, Tuesday, Wednesday, Thursday and Friday, and eight on Saturday. Working hours shall be from seven o'clock A.M. to 12 o'clock M., and from one o'clock P.M. to 5 o'clock P.M.

2. The rate of wages shall be (42) forty-two cents per hour.
3. Any time worked before seven o'clock A.M. or after five o'clock P.M. to be considered as overtime, and paid for as time-and-one-half.
4. Work upon Sundays, Christmas, July 4, or Labor Day, to be paid for as double time.

With Stone Masons' Union:

1. Hours of labor same as bricklayers—namely, nine hours.
2. Rate of wages (42) forty-two cents per hour.
3. Overtime same as bricklayers.
4. Holiday time same as bricklayers.

With Building Laborers' Union:

1. Hours of labor same as bricklayers and stone masons—namely, nine hours.
2. Rate of wages (25) twenty-five cents per hour.
3. Overtime same as bricklayers and stone masons.
4. Holiday time same as bricklayers and stone masons.

Particular pains should be taken by all members of this association to see that the agreements entered into are faithfully observed, as it is very important that the effort that is being made to peacefully settle all questions of mutual concern between ourselves and our workmen be conscientiously supported.

* * * * *

Per order of the president,

J. ARTHUR JACOBS,
Secretary.

P. S.—The inclosed cards, with working rules briefly stated thereon, are to be supplied to foreman and others for handy reference.

"The cards referred to in the postscript contained the working rules as they appear in the body of the letter, and were issued in separate form for more convenient distribution among the members of the unions.

"The entire plan of arbitration (which follows), as advocated by the National Association of Builders, was adopted without the change of a single letter, and the form of agreement mentioned for securing the establishment of

arbitration committees, with plan of organization of the same, for the use of associations of employers and associations of workmen in all branches of the building trade.

AGREEMENT.

For the purpose of establishing a method of peacefully settling all questions of mutual concern.....(name of organization of employers) and.....(name of organization of employees) severally and jointly agree that no such question shall be conclusively acted upon by either body independently, but shall be referred for settlement to a joint committee, which committee shall consist of an equal number of representatives from each association, *and also agree that all such questions shall be settled by our own trade, without intervention of any other trade whatsoever.*

The parties hereto agree to abide by the findings of this committee on all matters of mutual concern referred to it by either party. It is understood and agreed by both parties that in no event shall strikes and lock-outs be permitted, but all differences shall be submitted to the joint committee, and work shall proceed without stoppage or embarrassment.

The parties hereto also agree that they will incorporate with their respective constitutions and by-laws such clauses as will make recognition of this joint agreement a part of the organic law of their respective associations. The Joint Committee above referred to is hereby created and established, and the following rules adopted for its guidance :

ORGANIZATION OF JOINT COMMITTEE AND RULES FOR ITS GOVERNMENT.

1. This committee shall consist of not less than six members, equally divided between the associations represented, and an umpire, to be chosen by the committee at their annual meeting, and as the first item of their business after organization. The umpire must be neither a journeyman craftsman nor an employer of journeymen. He shall preside at meetings of the committee when necessary.
2. The members of this committee shall be elected annually by their respective associations at their regular meetings for the election of officers.
3. The duty of this committee shall be to consider such matters of mutual interest and concern to the employers and the workmen as may be regularly referred to it by either of the parties to this agreement, transmitting its conclusions thereon to each association for its government.
4. A regular annual meeting of the committee shall be held during the

month of January, at which meeting the special business shall be the establishment of "working rules" for the ensuing year; these rules to guide and govern employers and workmen, and to comprehend such particulars as rate of wages per hour, number of hours to be worked, payment for overtime, payment for Sunday work, government of apprentices, and similar questions of joint concern.

5. Special meetings shall be held when either of the parties hereto desire to submit any question to the committee for settlement.

6. For the proper conduct of business a chairman shall be chosen at each meeting, but he shall preside only for the meeting at which he is so chosen. The duty of the chairman shall be that usually incumbent on a presiding officer.

7. A clerk shall be chosen at the annual meeting to serve during the year. His duty shall be to call all regular meetings, and to call special meetings when officially requested to do so by either body party hereto. He shall keep true and accurate record of the meetings, transmit all findings to the associations interested, and attend to the usual duties of the office.

8. A majority vote shall decide all questions. In case of the absence of any member the president of the association by which he was appointed shall have the right to vote for him. The umpire shall have casting vote in case of tie.

"The following clauses, as recommended by the National Association to be incorporated into the by-laws of parties to joint agreement, have been adopted by the Mason Builders' Association and each of the three Unions mentioned :

A. All members of this association do by virtue of their membership recognize and assent to the establishment of a Joint Committee of Arbitration (under a regular form of agreement and governing rules), by and between this body and the.....for the peaceful settlement of all matters of mutual concern to the two bodies and the members thereof.

B. This organization shall elect at its annual meeting.....delegates to the said Joint Committee, of which the president of this association shall be one, officially notifying within three days thereafter the saidof the said action and of the names of the delegates elected.

C. The duty of the delegates thus elected shall be to attend all meetings

of the said Joint Committee, and they must be governed in this action by the rules jointly adopted by this association and the said.....

D. No amendments shall be made to these special clauses, A, B, C and D, of these by-laws except by concurrent vote of this association with the said and only after six months' notice of proposal to so amend.

" During the meetings of the Joint Committee the apprenticeship question was brought up for consideration, and the subject is at present under advisement. Much that needed careful and thorough consideration has been submitted by both sides in regard to the subject, and the outcome of the consideration will be given in these columns in the next issue.

" These various meetings between the master masons and the journeymen have been conducted with the utmost harmony and good feeling, and the conservative action of the unions is deserving of the highest commendation. . . ."

During the latter half of 1891 the above agreement was conscientiously carried out by the members of the Mason Builders' Association and by the three Unions concerned, and one most noteworthy and encouraging fact in connection with the matter is that non-union men were allowed by the Union men to work side by side with them without molestation. There was, of course, no public agreement by the Unions to this effect, but in the meetings held to settle the preliminaries of the Joint Committee the representatives of the Mason Builders' Association had persuaded the representatives of the Unions that the only wise course was to maintain peaceable relations with non-union men and endeavor by argument to induce them to enter the Unions, and this had been informally agreed to and had been carried out.

The agreement of the Joint Committee for 1892 is reported in the following circular:

The Mason Builders Association of Boston and Vicinity.

OFFICE OF THE SECRETARY.
166 DEVONSHIRE STREET, BOSTON, Feb. 16, 1892.

TO ALL MEMBERS OF THE MASON BUILDERS ASSOCIATION :

Gentlemen,—In accordance with the agreement existing between the Mason Builders Association of Boston and vicinity and the Bricklayers Union, No. 3, of Boston and vicinity, the Joint Committee of Arbitration has held its annual meeting and adopted the following rules for the guidance of both bodies for the year 1892.

First. The rate of wages for the ensuing year remain the same as in 1891 ; namely, (.42) forty-two cents per hour.

Second. During the months of March, April, May, June, July, August, September and October of 1892, not more than (9) nine hours labor shall be required, in the limits of the day (except over-time as provided for); and during November and December, 1892, not more than (8) eight hours labor shall be required in the limits of a day, except over-time as provided for.

Third. The working hours are to be from 7 to 12 A.M. and from 1 to 5 P.M.

Fourth. Work done before 7 A.M. or after 5 P.M. is to be considered "overtime," and is to be paid for as "time and one half."

Fifth. Sundays, Fourth of July, Christmas and Labor Day are to be considered as holidays, and work done on either of these days is to be paid for as "double time."

The Joint Committee are of the opinion that the time has arrived for the adoption of an eight-hour day, and recommend that the Mason Builders Association and the Bricklayers Union have the matter under careful consideration during the year, with the view of adopting it in 1893.

In the opinion of the Joint Committee, the best interests of the employing masons demand that all journeymen bricklayers should belong to the Bricklayers Union, in order that the agreements between the two bodies may be more representative and effective ; for that reason, the Committee recommend all journeymen bricklayers to join the Union and that preference for

employment should be given to Union men by the members of the Mason Builders Association, and that all members of the Association should be urged to carry out these recommendations.

If any workman does not thoroughly understand the value or benefit which the Committee believes will follow from all workmen belonging to the Union, the Committee will be glad to give a private or public hearing, and will endeavor to show them that it is for their advantage and for the advantage of their employers that they unite with their fellow-workmen in their respective organizations, and that such membership will tend to create better feeling, make such action as may be taken more effective, and assist in the harmonious solution of the labor problem.

In addition to this action, the Joint Committee has taken steps to put into operation the Apprenticeship System, prepared during the last year and approved at the last meeting of the Association. Books of registry, apprentice cards, blank certificates of graduation, and other papers, seals, etc., provided for in this system, are in course of preparation and will soon be ready for use.

Accompanying this report is a copy of the full text of the Apprenticeship System above referred to, also copy of the agreement entered into by the two Associations establishing the Joint Committee.

All members of this Association will take due notice of the matter contained in this circular and govern themselves accordingly.

Issued by order of the President.

J. ARTHUR JACOBS, *Secretary.*

The following is the paper above referred to:

System of Apprenticeship Adopted by the Mason Builders Association and the Bricklayers Unions of Boston and Vicinity.

TIME OF BEGINNING AND TERM OF APPRENTICESHIP.

To prevent the taking of apprentices at an immature age, when they may be considered, on the average, as physically unfit for such laborious work, and not sufficiently educated to warrant leaving school, and to discourage the beginning of apprenticeship at a time when the individual may be considered, on the average, as having passed that period when the faculties of mind and body are in that condition which is most receptive of instruction, and most

readily adaptive to the requirements of a trade, the following time and terms are fixed :—

No individual shall be taken as an apprentice who cannot read and write the English language.

No individual shall be taken as an apprentice until he is sixteen years of age.

No individual shall be taken as an apprentice after he is twenty-one years of age.

An apprentice taken under eighteen years of age shall serve until he is twenty-one years of age.

An apprentice taken at eighteen years or over shall serve three years.

AGREEMENT OF APPRENTICE.

No individual shall be taken as an apprentice unless he shall agree to serve the time fixed by these rules and abide by other conditions and requirements herein set forth.

AGREEMENT OF EMPLOYERS.

No member of the MASON BUILDERS ASSOCIATION shall take an individual as an apprentice unless he will agree to keep him *under legitimate instruction as such, for the full term comprehended in these rules,* and will otherwise comply with the conditions and requirements herein set forth.

REGISTERING APPRENTICES.

When any member of the MASON BUILDERS ASSOCIATION is about to take an individual as an apprentice, he shall immediately notify the Secretary of the Association to that effect, giving name, age and term for which he is taken.

The Secretary of said Association shall then immediately notify the Clerk of the Joint Committee, and also the Secretary of the BRICKLAYERS UNIONS, and a record shall be kept by both Associations and by the Joint Committee, so that a complete registry of all apprentices shall be available.

A card shall be issued to each apprentice by the Joint Committee, which he shall hold during his term as evidence that he is properly registered as an apprentice.

All members of the MASON BUILDERS ASSOCIATION shall file, as soon as practicable after the adoption of these rules, a list of the apprentices in their employ, giving name, length of term for which they are taken, and date of expiration of term.

SUPERVISION BY JOINT COMMITTEE.

The Joint Committee of the two bodies hereto shall have general supervision of all matters pertaining to the apprenticeship system under the rules herein defined and established, and shall have authority to settle all questions in relation to the same, and give judgment in any appeals that may be made to it by either employers or apprentices. It shall have authority to terminate or cancel the apprenticeship of any individual for cause.

It shall have authority to place an apprentice for an unexpired term with a new employer should his original employer die, or from any other cause fail to give him opportunity to complete his term.

It shall have authority to prepare blank graduation papers for apprentices, and to approve and sign the same, when the employer has certified thereon that the apprentice has satisfactorily completed his term.

RIGHTS OF EMPLOYER.

An employer shall have the right to appeal to the Joint Committee to terminate or cancel an apprenticeship, when there are evidences of incapacity on the part of the individual under instruction, or when he shall be insubordinate or be addicted to idle or dissolute habits, or in any other way fail to carry out his agreement with his employer.

RIGHTS OF APPRENTICES.

An apprentice shall have the right to appeal to the Joint Committee should his employer fail to keep him under legitimate instruction, or to keep his agreement with him in any other respect.

He shall have the right also to appeal to the Joint Committee and secure through them opportunity to complete his apprenticeship, should his original employer die, or from any other cause fail to give him opportunity to complete the same.

PAY OF APPRENTICES.

Apprentices shall be paid at the rate of eleven cents per hour during the first year, twelve cents per hour during the second year, thirteen cents per hour during the third year, and fifteen cents per hour for any additional years they may be obliged to serve under these rules. These sums to be paid weekly.

Deduction may be made from the above-mentioned pay for absence from work without sufficient cause, or the apprentice may be required to work be-

yond the stipulated term, to the extent of double the time of absence, at the choice of his employer.

No deduction from the pay of an apprentice, however, shall be made, provided he report for duty at proper times, but is unable to work because of weather, or failure of his employer to provide work.

In addition to the pay above stipulated, each apprentice shall have an allowance of fifty dollars (\$50) the first year, and seventy-five dollars (\$75) for every additional year, payable in quarterly instalments.

Each apprentice shall be entitled to one week's vacation each year, without loss of pay, or two weeks' with one week's loss of pay, but shall not be allowed more than two weeks' vacation each year.

GRADUATION OF APPRENTICES.

When an apprentice shall have completed his term, his employer shall certify the same upon blanks provided for the purpose by the Joint Committee, and transmit the same through the Secretary of his Association to the Joint Committee. The Joint Committee shall then consider the same, and upon approval, its Clerk shall attach the official seal and signature of the committee, notifying both Associations of this action, that the record of the apprentice may be complete upon books of record, which must be kept by the Secretaries of each body.

The certificates thus signed and approved shall be accepted as evidence that the apprentice has properly graduated and is entitled to recognition as a journeyman, and he shall not be eligible to membership in the BRICK-LAYERS UNIONS until he has such certificate.

DEPARTMENT OF INSTRUCTION.

Recognizing the fact that special instruction in the fundamental features of the bricklaying trade (which instruction shall comprehend education of both mind and hand, so that the individual shall gain a proper knowledge of quantity and strength of materials, and of the science of construction) is of as much importance as special instruction in other trades or professions, and, realizing that the chances of an apprentice to get as much instruction as he is entitled to, while at work on buildings, is necessarily limited, the parties to these rules agree that they will join in an effort to establish an institution in this city where all the trades shall be systematically taught ; that when such school is established they will unite in the oversight and care of the same and will modify these rules so that a reasonable deduction shall be made from the term of an apprentice by virtue of the advantage gained through instruction in said school.

The agreements entered into for the year 1893 between the Masons Builders' Association of Boston and vicinity, and the three Unions with which it has established Joint Committees, are substantially the same as for 1892, with one important exception—the adoption of the eight-hour day.

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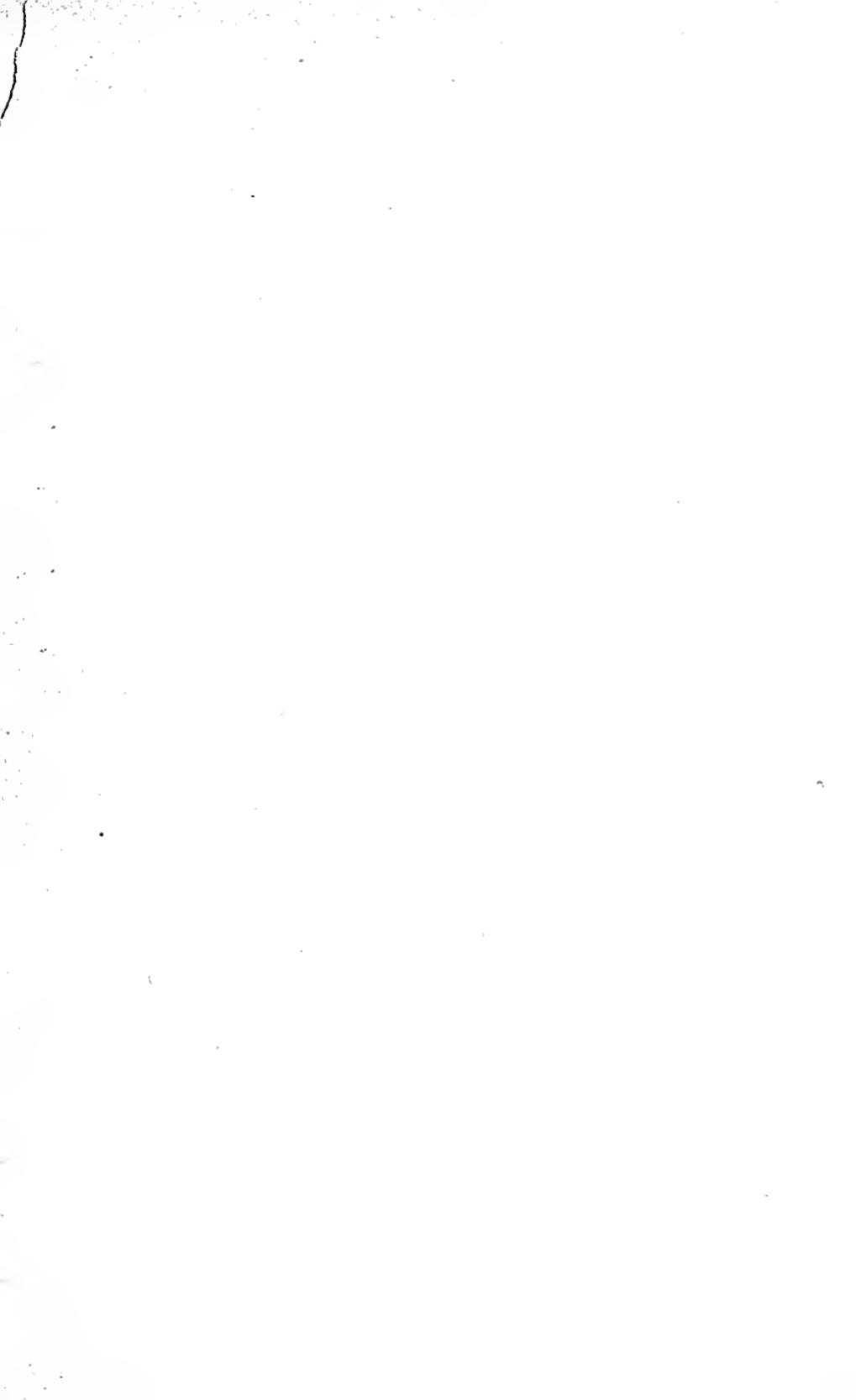
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